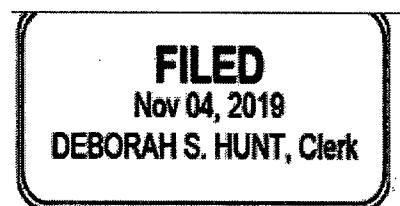


APPENDICES

APPENDIX A Sixth Circuit denied the Motion for rehearing on November 4, 2019.

No. 19-1398

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT



GWANJUN KIM,
Plaintiff-Appellant

v.) ORDER

CITY OF IONIA, et al.,
Defendants-Appellees.

BEFORE: NORRIS, SILER, and SUTTON, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc. Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT

John S. Mart

APPENDIX B Sixth Circuit Affirmed the district court's that applied wrong law that "Rule 9(b)[§ 10(b)] of the Securities Exchange Act of 1934 *See. Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 190 (1994) Held: A private plaintiff may not maintain an aiding and abetting suit under § 10(b). Pp.170-192.], it does not create a federal cause of action for fraud. *See. Order.*

**NOT RECOMMENDED FOR FULL-TEXT
PUBLICATION**

No. 19-1398

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GWANJUN KIM,)
)
)
Plaintiff-Appellant)
)
)
v.) ON APPEAL FROM
) THE UNITED
CITY OF IONIA, et al.,) STATES DISTRICT
) COURT FOR
Defendants-Appellees.) THE EASTERN
) DISTRICT OF
) MICHIGAN

O R D E R

Before: NORRIS, SILER, and SUTTON, Circuit
Judges.

GwanJun Kim, a pro se Michigan litigant, appeals the district court's orders dismissing his case and denying his motion for reconsideration. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See Fed. R. App. P. 34(a).*

In 2012, Kim filed a complaint in the Ionia County Circuit Court against the City of Ionia, City Manager Jason Eppler, Director of Public Safety Troy Thomas, and Officers Jennifer Skorka and

Brandon Anderson, alleging that the defendants violated his civil rights in violation of 42 U.S.C. § 1983 and committed fraud in violation of state law. The defendants removed Kim's complaint to the district court on the basis of federal-question jurisdiction. *Kim v. City of Ionia*, No. 1:12-cv-1195 (W.D. Mich.) (*Kim I*). Kim filed a motion to remand, which the district court denied. The district court subsequently granted the defendants' motion for summary judgment, denied Kim's motion for summary judgment and second motion to remand, and dismissed Kim's claims with prejudice. This court affirmed the district court's judgment. *Kim v. City of Ionia*, No. 13-2084 (6th Cir. Apr. 29, 2014) (order), *en banc reh'g denied* (6th Cir. Nov. 20, 2014) (order).

Kim filed multiple motions for relief from judgment pursuant to Federal Rule of Civil Procedure 60, asserting in relevant part that the defendants and their attorneys committed fraud in removing his case from state court and in moving for summary judgment. The district court denied Kim's motions.

Kim then filed the instant action against the same defendants named in *Kim I* as well as their attorney, David K. Otis. According to Kim, the defendants violated Federal Rule of Civil Procedure 9(b), "constituting fraud." Kim alleged that the defendants committed fraud in *Kim I* in removing his case from state court and moving for summary judgment. The district court granted Kim's motion for leave to proceed in forma pauperis and sua sponte dismissed the case pursuant to 28 U.S.C. § 1915(e)(2). The district court concluded that Kim's complaint was barred by collateral estoppel and, to the extent not estopped, failed to state a claim upon

which relief can be granted. Kim filed a motion for reconsideration, which the district court denied. This timely appeal followed. We agree with the district court that Kim failed to state a claim. Rule 9(b) provides that a party alleging fraud or mistake “must state with particularity the circumstances constituting fraud or mistake.” Rule 9(b) is a pleading requirement; it does not create a federal cause of action for fraud. Kim twice cited the perjury statute, 18 U.S.C. § 1621, but that criminal statute does not create a private right of action either. *See Cent. Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 190 (1994) (“We have been quite reluctant to infer a private right of action from a criminal prohibition alone”). This leaves Kim with no leg to stand on, so we must dismiss. *See Thompson v. Bank of Am., N.A.*, 773 F.3d 741, 750 (6th Cir. 2014).

Accordingly, we **AFFIRM** the district court’s dismissal order.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "J. Michael", is written over a solid horizontal line.

APPENDIX C District court ordered that "his are not estopped or otherwise improperly before this court and dismissed" district order

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GwanJun Kim,

Case No. 19-cv-10524

Plaintiff,

Judith E. Levy
United States
District Judge

vs.
City of Ionia *et al.*,

Mag. Judge
Stephanie Dawkins Davis

Defendants.

ORDER GRANTING APPLICATION TO
PROCEED WITHOUT PREPAYING FEES [2]
AND DISMISSING CASE

Plaintiff GwanJun Kim filed a complaint again the City of Ionia and various of its employees on February 21, 2019. (Dkt. 1.) He asks the Court for permission to proceed without prepaying fees or costs. (Dkt. 2.) “[A]ny court of the United States may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees . . . by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees.” 28 U.S.C. § 1915 (a)(1). Plaintiff satisfies this requirement, so his application to proceed without paying costs is **GRANTED**. The *in forma pauperis* statute mandates the Court to “dismiss the case at any time if the court

determines that . . . the action or appeal . . . fails to state a claim on which relief may be granted." § 1915(e)(2). Here, plaintiffs attempting to relitigate issues from a case he extensively litigated before the U.S. District Court for the District of Western Michigan. (See Case No. 12-01195.) Although the complaint is not clearly delineated, many of the discernable issues are collaterally estopped. For instance, his requested relief under Rule 60(b) has been denied twice by the Western District. (W.D. Mich. No. 12-01195, Dkts. 80, 87.) Likewise, the Western District held that removal was proper. (*Id.* Dkt. 98-1.) Moreover, to the extent his claims are not estopped or otherwise improperly before this Court, the complaint does not state a claim upon which relief can be granted. Therefore, the case is

Dated February 27, 2019 s/Judith E. Levy
Ann Arbor, Michigan United States District Judge

DISMISSED.

IT IS SO ORDERED.

APPENDIX D. The Sixth Circuit 13-2084 affirmed dismiss on “Additionally, as to Kim’s allegation of judicial fraud, adverse ruling[refused and no address Federal Rules of Civil Procedure 55(a) requires “the clerk must enter the party's default,”]by a court almost never establish bias or prejudice. See. *Liteky v. United States*, 540 U.S. 540, 555(1994)” See. p.3 Order. This is a conspiracy.

**NOT RECOMMENDED FOR FULL-TEXT
PUBLICATION**

No. 13-2084

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

GWANJUN KIM,)
)
 Plaintiff-Appellant)
)
 v.) ON APPEAL FROM
) THE UNITED
 CITY OF IONIA, et al.,) STATES DISTRICT
) COURT FOR
 Defendants-Appellees.) THE WESTERN
) DISTRICT OF
) MICHIGAN

O R D E R

Before: KEITH, SILER, and ROGERS, Circuit
Judges.

GwanJun Kim, a Michigan citizen proceeding pro se, appeals a district court judgment dismissing his civil-rights claims brought pursuant to 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, and state law. This case has been referred to a panel of the court pursuant to Federal Rule of Appellate Procedure 34(a)(2)(C). Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a). Kim filed in state court a complaint against the City of Ionia, Director of Public Safety Thomas

Troy, City Manager Jason Eppler, and police officers Jennifer Skorka and Brandon Anderson, alleging that Skorka and Anderson violated his constitutional rights and discriminated against him based on his race or national origin when they followed the vehicle that he was driving, ran a check of the vehicle's license plate, verified the expiration of his insurance coverage, initiated a traffic stop of his vehicle, and issued a traffic ticket based on improper plates and expired insurance. He contended that the City of Ionia, Troy, and Eppler implemented careless and reckless policies, customs, or practices allowing for Skorka's and Anderson's actions and that Troy and Eppler failed to adequately train and supervise officers. He asserted in his complaint and an amended complaint that his claims arose under § 1983, Title VI, and state law. The defendants removed the action to federal court. The district court granted the defendants' motion for summary judgment, denied Kim's motion for summary judgment, and entered a judgment in favor of the defendants. Because Kim had not specified which constitutional rights were violated, the district court construed his claims alleging lack of probable cause as alleging Fourth Amendment violations and his claims alleging selective enforcement of Michigan's motor vehicle requirements on the basis of race or national origin as alleging violations of the Fourteenth Amendment. The district court determined that because the state court already had addressed Kim's § 1983 claims in criminal proceedings against him, the claims were barred by collateral estoppel. The district court determined

further that these claims failed even without collateral estoppel because Kim had no expectation of privacy in the information on his license plate, police had probable cause to stop Kim, there was no evidence that police targeted Kim on an impermissible basis, and there was no basis for liability of Troy, Eppler, or the City of Ionia. It also decided that there was no Title VI liability because there was no evidence of discrimination and that Kim's state-law claims lacked any merit. Kim filed a timely notice appeal.

We review de novo a district court's grant of summary judgment. *Jakubowski v. Christ Hosp., Inc.*, 627 F.3d 195, 200 (6th Cir. 2010). A district court properly grants summary judgment if no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Id.*; Fed. R. Civ. P. 56(a). On appeal, Kim explicitly waives his state-law claims. Kim argues for the first time in his reply brief that his § 1983 claims are not barred by collateral estoppel and that the district court acted fraudulently in deciding his case. We need not consider these arguments. *See Osborne v. Hartford Life & Accident Ins. Co.*, 465 F.3d 296, 301 (6th Cir. 2006). Moreover, for the reasons stated below, regardless of whether collateral estoppel is applicable to Kim's case, Kim has not demonstrated that there is a genuine issue of material fact as to his § 1983 claims. Additionally, as to Kim's allegations of judicial fraud, adverse rulings by a court almost never establish bias or prejudice. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Kim argues that the police lacked probable cause to follow his vehicle and run his plates and that the police engaged in selective enforcement by

improperly targeting him based on his race or national origin. However, he does not have a Fourth Amendment expectation of privacy in the information contained in his license plate. *See United States v. Ellison*, 462 F.3d 557, 561 (6th Cir. 2006). Kim's Fourth Amendment rights also were not violated when police followed his vehicle while running his plates. *See United States v. Jackson*, 682 F.3d 448, 453 (6th Cir.), *cert. denied*, 133 S. Ct. 370 (2012).

Furthermore, a stop of a vehicle by a police officer does not violate the Fourth Amendment where the officer has probable cause to believe that a traffic violation has occurred. *United States v. Davis*, 430 F.3d 345, 352 (6th Cir. 2005). In Michigan, a license plate infraction like Kim's suffices as a traffic violation providing probable cause for a stop. *See People v. Adams*, No. 295027, 2011 WL 222222, at *3-4 (Mich. Ct. App. Jan. 25, 2011); Mich. Comp. Laws § 257.255. Where the basis for a stop is proper, a court must determine "whether the degree of intrusion . . . was reasonably related in scope to the situation at hand, which is judged by examining the reasonableness of the officials' conduct given their suspicions and the surrounding circumstances." *Davis*, 430 F.3d at 354 (citation omitted). Kim has not provided any evidence establishing that the officers' verification with his insurance company that his insurance was in fact expired was unreasonable. Accordingly, Kim has not demonstrated that there is a genuine issue of material fact regarding a Fourth Amendment violation by police or by Eppler, Troy or the City of Ionia due to a failure to adequately train or supervise officers.

As to Kim's selective enforcement claim, this

court has set forth three elements of an equal protection claim based on selective enforcement: First, [a government actor] must single out a person belonging to an identifiable group, such as those of a particular race or religion, or a group exercising constitutional rights, for prosecution even though he has decided not to prosecute persons not belonging to that group in similar situations. Second, he must initiate the prosecution with a discriminatory purpose. Finally, the prosecution must have a discriminatory effect on the group which the defendant belongs to. *United States v. Anderson*, 923 F.2d 450, 453 (6th Cir. 1991) (citation omitted).

Here, Kim asserts that because his March 2012 license plate sticker was not expired on its face and because officers admitted during his criminal proceedings that they conducted such searches randomly, it necessarily follows that there was a discriminatory purpose for the search. Because Kim has provided no evidence establishing that the search of his license plate was performed with any discriminatory intent, he has not established that there is a genuine issue of material fact as to the issue whether there was selective enforcement. For the same reasons, Kim has not established a genuine issue of material fact as to his Title VI claim. See 42 U.S.C. § 2000d. Kim also argues that the district court erred in denying his motion to remand the case to state court. He asserts that the instant civil action constituted an appeal of his criminal proceedings that should not have been removed to the district court. However, this assertion is belied by the record.

Kim also contends that the district court

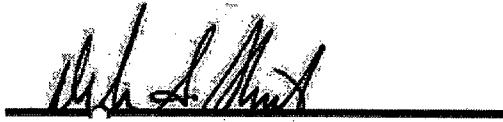
lacked subject-matter jurisdiction because the defendants failed to attach all of the copies of the summonses that had been served upon them to their notice of removal. A defendant who wishes to remove a civil action from state court must file in the district court a notice of removal, “together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” 28 U.S.C. § 1446(a). We review de novo the district court’s determination of subject-matter jurisdiction and the denial of a motion to remand. *Eastman v. Marine Mech. Corp.*, 438 F.3d 544, 549 (6th Cir. 2006). Where a defect in removal is procedural, rather than jurisdictional, remand is not required. *Grudzinski v. Staren*, 87 F. App’x 508, 512 (6th Cir. 2004). A defendant’s omission of a summons from a joint notice of removal is a minor procedural defect that is curable, either before or after the expiration of the thirty-day period for removal. *Countryman v. Farmers Ins. Exch.*, 639 F.3d 1270, 1273 (10th Cir. 2011). Accordingly, Kim has not demonstrated that the district court erred in denying his motion for remand on this basis.

Finally, Kim argues that the district court erred in granting the defendants’ motion for summary judgment because the defendants failed to ascertain whether he opposed their motion for summary judgment pursuant to Western District of Michigan Local Civil Rule 7.1(d) before they filed it. Kim has not demonstrated any error in the district court’s determination that although the defendants conceded that they had not met this requirement, enforcement of the rule by denying the defendants’ motion without prejudice would cause a waste of time and resources because it was clear that Kim would not have concurred in the relief requested by

the defendants.

The district court's judgment is affirmed.
See Fed. R. App. P. 34(a)(2)(C). All outstanding motions are denied.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "M. L. Marder", is positioned above a solid horizontal line.

APPENDIX E The Sixth Circuit 18-1974 denied on dismiss on Rule 60(b) appeal "*unusual and extreme situation*[The Cause of action Fraud I to VI where *principles of equity mandate relief.*]" *Olle v. Henry & Wright Corp.*, 910 F.2d 357, 365 (6th Cir. 1990) that Respondents involved that the panel was applied that wrong law that "Rule 60(b) does not allow a defeated litigant a second chance to convince the court to rule in his or her favor...and dismiss the case" *Kim v. City of Ionia*, No. 18-1974(6th Cir. January 3, 2019) *See. order p.3*

No. 18-1974

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GWANJUN KIM,)
)
 Plaintiff-Appellant,)
)
 v.) Q R D E R
)
 CITY OF IONIA, et al.,)
)
 Defendants-Appellees.)
)

GwanJun Kim, a Michigan litigant proceeding pro se, appeals the district court's order denying his second motion for relief from judgment under Federal Rule of Civil Procedure 60(b)(6). Kim moves this court for leave to proceed in forma pauperis on appeal. *See Fed. R. App. P. 24(a)(5).*

In 2012, Kim filed a complaint against the defendants in the Ionia County Circuit Court, raising a claim under 42 U.S.C. § 1983 for violation of his civil rights and a state law claim of fraud. The defendants removed Kim's complaint to the district court on the basis of federal question jurisdiction. Kim filed a motion to remand, which the district court denied. The district court subsequently granted the defendants' motion for summary judgment, denied Kim's motion for summary judgment and second motion to remand, and dismissed Kim's claims with prejudice. This court affirmed the district court's judgment. *Kim v. City of Ionia*, No. 13-2084 (6th Cir. Apr. 29, 2014)

t
(order).

In March 2018, Kim filed a motion for relief from judgment pursuant to Rule 60(b)(6). Kim asserted that his complaint was not removable because the state court careless and reckless policies, customs, or practices allowing for Skorka's and Anderson's actions and that Troy and Eppler failed to adequately train and supervise officers. He asserted in his complaint and an amended complaint that his claims arose under § 1983, Title VI, and state law. The defendants removed the action to federal court. The district court granted the defendants' motion for summary judgment, denied Kim's motion for summary judgment, and entered a judgment in favor of the defendants. Because Kim had not specified which constitutional rights were violated, the district court construed his claims alleging lack of probable cause as alleging Fourth Amendment violations and his claims alleging selective enforcement of Michigan's motor vehicle requirements on the basis of race or national origin as alleging violations of the Fourteenth Amendment. The district court determined that because the state court already had addressed Kim's § 1983 claims in criminal proceedings against him, the claims were barred by collateral estoppel. The district court determined further that these claims failed even without collateral estoppel because Kim had no expectation of privacy in the information on his license plate, police had probable cause to stop Kim, there was no evidence that police targeted Kim on an impermissible basis, and there was no basis for liability of Troy, Eppler, or the City of Ionia. It also decided that there was no Title VI liability because there was no evidence of discrimination and that

Kim's state-law claims lacked any merit. Kim filed a timely notice of appeal.

We review de novo a district court's grant of summary judgment. *Jakubowski v. Christ Hosp., Inc.*, 627 F.3d 195, 200 (6th Cir. 2010). A district court properly grants summary judgment if no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Id.*; Fed. R. Civ. P. 56(a). On appeal, Kim explicitly waives his state-law claims. Kim argues for the first time in his reply brief that his § 1983 claims are not barred by collateral estoppel and that the district court acted fraudulently in deciding his case. We need not consider these arguments. See *Osborne v. Hartford Life & Accident Ins. Co.*, 465 F.3d 296, 301 (6th Cir. 2006). Moreover, for the reasons stated below, regardless of whether collateral estoppel is applicable to Kim's case, Kim has not demonstrated that there is a genuine issue of material fact as to his § 1983 claims. clerk entered default when the defendants failed to file a timely answer and that the district court lacked subject matter jurisdiction because the parties were non-diverse. Denying Kim's motion, the district court determined that he continued to make arguments that had been repeatedly rejected. This court dismissed Kim's appeal for failure to file a timely notice of appeal. *Kim v. City of Ionia*, No. 18-1650 (6th Cir. July 19, 2018) (order).

A month later, Kim filed a second Rule 60(b)(6) motion, raising the same arguments that he raised in his first one. The district court denied Kim's motion for the reasons stated in its prior order. Kim timely appealed. Kim moved for leave to proceed in forma pauperis on appeal, which the district court denied on the basis that his appeal is

frivolous. Kim now moves this court for leave to proceed in forma pauperis on appeal. If the district court certifies that an appeal is not taken in good faith, the appellant may file a motion for leave to proceed in forma pauperis on appeal with this court. Fed. R. App. P. 24(a)(5); *Callihan v. Schneider*, 178 F.3d 800, 803-04 (6th Cir. 1999). “Good faith” is judged by an objective standard and is demonstrated by seeking “appellate review of any issue not frivolous.” *Coppedge v. United States*, 369 U.S. 438, 445 (1962). An issue is frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). “This court reviews a district court’s denial of a Rule 60(b) motion for relief from judgment for an abuse of discretion.” *Yeschick v. Mineta*, 675 F.3d 622, 628 (6th Cir. 2012). Under Rule 60(b)(6), a party may obtain relief from judgment “for any other reason that justifies relief.” Rule 60(b)(6) is reserved for “unusual and extreme situations where principles of equity *mandate* relief.” *Olle v. Henry & Wright Corp.*, 910 F.2d 357, 365 (6th Cir. 1990). Kim’s second Rule 60(b)(6) motion merely rehashed the same meritless arguments that the district court had already considered and rejected. *See Jinks v. AlliedSignal, Inc.*, 250 F.3d 381, 385 (6th Cir. 2001) (“Rule 60(b) does not allow a defeated litigant a second chance to convince the court to rule in his or her favor”). There is no arguable basis for asserting that the district court abused its discretion in denying Kim’s motion.

Accordingly, this court **DENIES** Kim’s motion for leave to proceed in forma pauperis on appeal. Unless Kim pays the \$505 filing fee to the district court within thirty days of the entry of this order, this appeal will be dismissed for want of

W

prosecution.

ENTERED BY ORDER OF THE COURT



APPENDIX F Petitioner obtained State of 8th Circuit, Clerk of Court was entered enter default MCR 2.603(A) *See.* at The United State District Court Western Michigan case # Case No. 1:12-cv-01195-GJQ docket no. 78 Attachments: # 2

Approved, SCAO:

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

DEFAULT
REQUEST, AFFIDAVIT AND ENTRY

Original - Court
1st copy - Applicant
Copies - All other parties

CASE NO.

12K-29541-AV

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s)

GRETCHEN KIM
200 E. WILSON RD. Lot 54
IONIA, MI 48846

Plaintiff's attorney, bar no., address, and telephone no.

Defendant name(s), address(es), and telephone no(s)

JASON EPPLER
114 N Kidd St
IONIA, MI 48846

Defendant's attorney, bar no., address, and telephone no.

A TRUE COPY

[Signature]

Party in default:

CLERK OF IONIA COUNTY

REQUEST AND AFFIDAVIT

1. I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
2. The defaulted party is not an infant or incompetent person.
3. I am not aware that the defaulted party is in the military service. The defaulted party is not in the military service. I am not aware that the action is in the military but there has been notice of dependency of the action and adequate time and opportunity has been provided for the party to be heard. I am not aware that the action has been provided. Attached, as appropriate, is a waiver of rights and protections provided under the Servicemembers' Civil Relief Act. Facts upon which this conclusion is based are: (specify)
4. I declare under oath, or my personal knowledge and, if sworn as a witness, I can testify competently to the facts in the affidavit.

[Signature]
Subject to the above, I declare on November 13, 2012, Bar no. _____
Signature: *[Signature]* Date: *11-13-12* Signature: *[Signature]* Date: *11-13-12*
Notary public, State of Michigan, County of *IONIA*

NOTE: Please attach a copy of your sworn
declaration to the Clerk's office.

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

Date:

11-13-12

2012 Bar

CERTIFICATE OF MAILING

I certify and declare that I served copies of this default on the appropriate parties or their attorneys by first class mail addressed to their last known addresses as defined by MCR 2.107(C)(3).

Date:

11-13-12

NOV 13 2012

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	DEFAULT REQUEST, AFFIDAVIT, AND ENTRY	CASE NO. 12K-29547-AV
--	--	--------------------------

Court Address

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s).

Gwonjun KIM
360 EAST TURTLE RD. LOT 54
TROY, MI 48346

Plaintiff's attorney, bar no., address, and telephone no.

Defendant name(s), address(es), and telephone no(s).

Thomas Troy
114 N Kidd St
IONIA, MI 48846

Defendant's attorney, bar no., address, and telephone no.

A TRUE COPY

John K. K.
CLERK OF IONIA COUNTY

Party in default:

REQUEST AND AFFIDAVIT

1. I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
2. The defendant party is not an infant or incompetent person.
3. The defendant party is in the military service. The defendant party is not in the military service. The defendant party is in the military service, but there has been notice of pendency of the action and defendant has been provided with a copy of the summons and complaint and has been provided with a copy of the rules of court. Attached, as appropriate, is a waiver of rights and protections provided by the rules of court for military personnel. Facts upon which this conclusion is based are: *None*
4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in the affidavit.

John K.
John K. K.
Attala/Alameda, Notary
Date: November 13, 2012
County, Michigan
My commission expires: December 27, 2016
Signature: *John K. K.* *John K. K.*
Notary Public, State of Michigan, County of Ionia

NOTE: Default may be entered by a circuit court
Court offices are located at: 5th floor

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

Date:

John K. K.
Signature

CERTIFICATE OF MAILING

I certify that a copy of this document and copies of this default on the appropriate parties or their attorneys by first class mail was sent to the parties named and served by MCR 2.107(C)(3).

John K. K.
Signature

NOV 13 2012

TOMIKA R. K.

Approved, SCAO

Original - Court
1st copy - Applicant
Copies - All other parties

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	DEFAULT REQUEST, AFFIDAVIT, AND ENTRY	CASE NO. 12K 29547 - AV
Court address	Court telephone no.	

Plaintiff name(s), address(es), and telephone no(s). GwanJun Kim 360 East Tuttle Rd Lot 54 IONIA, MI 48846	Defendant name(s), address(es), and telephone no(s). Jennifer Skorka 114 N Kidd St IONIA, MI 48846
Plaintiff's attorney, bar no., address, and telephone no.	Defendant's attorney, bar no., address, and telephone no

A TRUE COPY

Jenda Rich

CLERK OF IONIA COUNTY

Party in default:

REQUEST AND AFFIDAVIT

1. I request that a default be entered for the default of the party named above for failure to plead or otherwise defend as provided by law.
2. The defaulted party is not an infant or incompetent person.
3. The defaulted party is in the military service. The defaulted party is not in the military service.
The party is not in the military but there has been notice of pendency of the action and adequate time and opportunity has been provided. Attached, as appropriate, is a waiver of rights and protections provided under the Servicemembers Civil Relief Act. Facts upon which this conclusion is based are: (specify)
4. THIS AFFIDAVIT IS MADE ON MY PERSONAL KNOWLEDGE AND, IF SWORN AS A WITNESS, I CAN TESTIFY COMPETENTLY TO THE FACTS IN THIS AFFIDAVIT.

GwanJun Kim
Applicant/Attorney signature

Bar no.

Signature: 1/26/2012 Date: 1/26/2012 County: Ionia

My commission expires: March 29 2016 Signature: Jenda Rich Bar no. 100-1000000 County: Michigan

Notary public, State of Michigan, County of Ionia

NOTE: This document is not a record of a court
and is not a substitute for a court record.

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

1/26/2012

Jenda Rich
Court Clerk

NOV 13 2012

TO: Defendant (Name and address)

FROM: Court Clerk (Name and address)

CERTIFICATE OF MAILING

COPIES OF THIS DOCUMENT WERE SERVED COPIES OF THIS DOCUMENT WERE SERVED ON THE PARTIES OR THEIR ATTORNEYS BY FIRST-CLASS MAIL OR BY CERTIFIED MAIL, ADDRESSES AS DEFINED BY MCR 2.107(C)(3).

Signature

STATE OF MICHIGAN
KENT DISTRICT COURT
KENT DISTRICT CIRCUIT

DEFAULT
REQUEST, AFFIDAVIT, AND ENTRY

Original - Court
1st copy - Appointed
Copies - All others

CASE NO.

12K 2016-147

Court address

Plaintiff's name(s), address(es), and telephone no(s)

Glenda Kim
300 ~~East~~ Tuttle Rd Lot 5X
IONIA MI 48846

Plaintiff's attorney, bar no., address, and telephone no.

Defendant name(s), address(es), and telephone no(s)

Bradun Anderson
114 N Kidd St
IONIA, MI 48846

Defendant's attorney, bar no., address, and telephone no.

A TRUE COPY

Glenda Kim
CLERK OF KENT COUNTY

Party in default

REQUEST AND AFFIDAVIT

1. I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
2. The defendant party is not an infant or incompetent person.
3. I further declare that the defaulted party is in the military service. The defaulted party is not in the military service. The defendant party is in the military but there has been notice of pendency of the action and adequate time and opportunity has been provided for the party to file an answer. Attached, as appropriate, is a waiver of rights and protections provided under the Civil Relief Act. Facts upon which this conclusion is based are: (specify)
4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

Glenda Kim
Applicant/Attorney signature

Bar no.

Subscribed and sworn to before me on November 13, 2012 Kent County, Michigan.

My commission expires: March 29, 2016 Signature: Glenda Kim
Notary public, State of Michigan, County of Ionia

NOTE: This document is issued by a district court
Court without jurisdiction of a party

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

11-13-12
Date

Glenda Kim
Court clerk

NOV 13 2012

CERTIFICATE OF MAILING

I certify that I have sent copies of this default on the appropriate parties or their attorneys by first-class mail addressed to them in the manner required as defined by MCR 2.107(C)(3).

Date: 11-13-12

Signature

y

**APPENDIX G State of Michigan Judicial Circuit
Court issued Summons and Complaint on October
9, 2012.**

1. DEFENDANT 2. JURISDICTION 3. SERVICE OF PROCESS	SUMMONS AND COMPLAINT	CASE NO. 12-5-29547-AV
		Court telephone no.
Plaintiff's name(s), address(es), and telephone no(s). 1. Plaintiff Name: Tonda Rich Address: 114 North Kidd Street City: Ionia State: MI Zip: 48846 Plaintiff's telephone no.		Defendant's name(s), address(es), and telephone no(s). 1. Defendant Name: Tonda Rich Address: 114 North Kidd Street City: Ionia State: MI Zip: 48846
<p>SUMMONS IS SERVED TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:</p> <p>1. You have 20 days from the date of serving this summons to file a written answer with the court and serve a copy on the plaintiff. If you do not file an answer with the court (28 days if you were served by mail or you were served outside the state) and do not appear in court to answer the complaint, judgment may be entered against you.</p> <p>2. You have 20 days from the date of serving this summons to file a written answer with the court and serve a copy on the plaintiff. If you do not file an answer with the court (28 days if you were served by mail or you were served outside the state) and do not appear in court to answer the complaint, judgment may be entered against you.</p> <p>3. If you do not file an answer with the court within the time allowed, judgment may be entered against you.</p>		
Plaintiff's telephone expires 7-5-13		Court clerk Tonda Rich
This document must be sealed by the seal of the court.		
The following is information that is required to be in the caption of every complaint. The caption must be typed or printed and the claim for relief must be stated on additional complaint pages as required by law.		
This is a civil action within the jurisdiction of the family division of circuit court involving the following parties:		
This is a civil action within the jurisdiction of the family division of the circuit court involving the family or family members of the following parties:		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
This action is a continuation or resolved civil action arising out of the same transaction or occurrence as alleged in the following action(s) involving the following parties or other parties arising out of the transaction or occurrence alleged in the following action(s):		
Plaintiff's telephone <input type="checkbox"/> is no longer pending. The docket number and the judge assigned to the action are:		Judge
Plaintiff's residence (include city, township, or village)		Defendant(s) residence (include city, township, or village)
Plaintiff's place of work or business conducted		

Section 4 of environmental laws

If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you understand court proceedings, please contact the court immediately to make arrangements.

DEFENDANT'S MOTIONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(A), (B), MCR 3.208(A)

STATE OF MICHIGAN 4TH JUDICIAL DISTRICT 114 NORTH KIDD STREET LOMIRA, MI 48846	SUMMONS AND COMPLAINT	CASE NO. 12-4-29547-AV	
Court telephone no.			
Plaintiff's name(s), address(es), and telephone no(s).		Defendant's name(s), address(es), and telephone no(s). City of Ionia 114 North Kidd Street Ionia, MI 48846	
WARNING - NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified: 1. You have 20 days from the date of serving this summons to file a written answer with the court and serve a copy of the answer on the plaintiff. If you do not file an answer with the court (28 days if you were served by mail or you were served outside the state) and do not appear in court to defend this action within the time allowed, judgment may be entered against you.			
Plaintiff's name(s), address(es) and telephone no(s). 7-5-13		Court clerk Tozdar Rich	
This document must be sealed by the seal of the court.			
The following is information that is required to be in the caption of every complaint. The cause of action and the claim for relief must be stated on additional complaint pages.			
This document is for a civil action within the jurisdiction of the family division of circuit court involving family members or family members of the plaintiff or defendant.			
This document is for a civil action within the jurisdiction of the family division of the circuit court involving the family or family members of the plaintiff or defendant.			
<input checked="" type="checkbox"/> is no longer pending. The docket number and the judge assigned to the action are:			
Judge		_____	
This document is for a civil action arising out of the same transaction or occurrence as another civil action between the same parties or other parties arising out of the transaction or occurrence alleged in the other action.			
This document is for a civil action. <input checked="" type="checkbox"/> is no longer pending. The docket number and the judge assigned to the action are:			
Judge		_____	
Plaintiff's residence (include city, township, or village)		Defendant's residence (include city, township, or village)	
Plaintiff's place of business or business conducted			

2010年9月第1期

If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you understand court proceedings, please contact the court immediately to make arrangements.

MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.200(A)

APPENDIX H Defendants answered to Complaint at federal court on November 5, 2012. *See. Kim I* Docket no.4. Defendants had been default State Court and the U.S. District Court.

**United States District Court
Western District of Michigan (Southern
Division (1))CIVIL DOCKET FOR CASE #:
1:12-cv-01195-GJQ**

Kim v. Ionia, City of et al Date Filed: 10/31/2012

Assigned to: Judge Gordon J. Quist Date

Terminated:07/31/2013

Case in other Court: Ionia Circuit Jury Demand:

Defendants Court, 12-K-29547-AV Nature of

Suit:440 Civil Rights: Other

The Sixth Circuit, 13-02084

The Sixth Circuit, 15-01178 Jurisdiction: Federal

The Sixth Circuit, 18-01650 Question

The Sixth Circuit, 18-01974

Cause:28: 1441 Petition for Removal- Other Civil

Rights

Date Filed	#	Docket Text
10/31/2012	1	NOTICE OF REMOVAL, from Ionia County Circuit Court case number 12-K-29547-AV filed by Ionia, City of , Jason Eppler, Thomas Troy, Jennifer Skorka, and Brandon Anderson(Attachments: # 1 Exhibit)(Otis, David) Modified text on 11/1/2012(alld). (Entered:10/31/2012)

10/31/2012		FILING FEE PAID re 1 by defendant Ionia, City of in the amount of \$350, receipt number 0646-2403748 (Otis, David)(Entered: 10/31/2012)
11/01/2012	2	NOTICE that this case has been assigned to Judge Gordon J. Quist : with NOTICE OF DEFICIENCY re corporate disclosure statement (ald)(Entered: 11/01/2012)
11/01/2012	3	CORPORATE DISCLOSURE STATEMENT of <i>Defendants</i> by Brandon Anderson, Jason Eppler, Ionia, City of, Jennifer Skorka, Thomas Troy (Otis, David) (Entered:10/31/2012)
11/05/2012	4	ANSWER to complaint 1 with affirmative defenses and jury demand by Brandon Anderson, Jason Eppler, Ionia, City of, Jennifer Skorka, Thomas Troy (Otis, David)Modified text on 11/13/2012(kvt).(Entered: 11/05/2012)