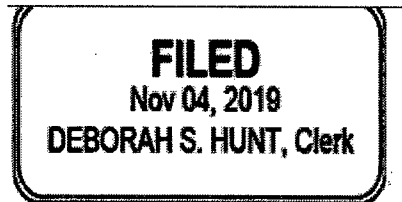


## **APPENDICES**

**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**

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written over a horizontal line.

**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**NOT RECOMMENDED FOR FULL-TEXT  
PUBLICATION**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 "M. L. Smith", is written over a solid black 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

vs.

United States

City of Ionia *et al.*,

District Judge

Mag. Judge

Stephanie Dawkins Davis

Defendants.

---

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

Plaintiff GwanJun Kim filed a complaint against 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

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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.**

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**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

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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 "John L. Smith", is written over a solid horizontal line.

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**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(6<sup>th</sup> 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.	)	<u>O R D E R</u>
	)	
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)

(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 8<sup>th</sup>  
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

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

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	DEFAULT REQUEST, AFFIDAVIT, AND ENTRY	CASE NO. 12K 29541-AV
--	--	--------------------------

Court address

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s) Guanjun Kim 3606 Tuttle 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

Party in default:

CLERK OF KIM 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. ☐ If known, whether the defaulted party is in the military service. ☒ The defaulted party is not in the military service.  
☐ If the defaulted party is in the military but there has been notice of pendency of the action and adequate time and opportunity to appear and defend 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 based on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in the affidavit.

Subscribed and sworn to before me on November 13, 2012 at Ionia County, Michigan.  
My commission expires March 29, 2016 Signature: [Signature]  
Notary Public, State of Michigan, County of Ionia

NOTE: Default shall be entered by a clerk or court clerk without the filing of a party.

DEFAULT ENTRY

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

Date

11-13-12

CERTIFICATE OF MAILING

I certify that on 11-13-12 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

Signature

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).

GUANJUN KIM  
360 EAST TUNHARD LOT 54  
IONIA, MI 48846

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

*Unwield*  
CLERK OF IONIA COUNTY

Party in default: \_\_\_\_\_

**REQUEST AND AFFIDAVIT**

- I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
- The ~~defendant~~ party is not an infant or incompetent person.
- ☐ The ~~defendant~~ party is in the military service. ☒ The ~~defendant~~ 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 a request for and opportunity to be heard has been provided. Attached, as appropriate, is a waiver of rights and protection provided under the Servicemembers Civil Relief Act. Facts upon which this conclusion is based are: (attach)
- This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

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

My commission expires March 29 2016 Signature: *[Signature]*  
Notary public, State of Michigan, County of IONIA

NOTE: Default entered by a district court clerk without the consent of a party.

**DEFAULT ENTRY**

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

Date 11-13-12

*[Signature]*  
Court clerk

NOV 13 2012

**CERTIFICATE OF MAILING**

I certify that I have mailed copies of this default on the appropriate parties or their attorneys by first class mail postage paid to the post office at Ionia, Michigan as defined by MCR 2.107(C)(3).

Date 11-13-12

*[Signature]*  
Signature

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

Defendant name(s), address(es), and telephone no(s). Jennifer Skorka 114 N Kidd St IONIA, MI 48846
Defendant's attorney, bar no., address, and telephone no.  A TRUE COPY <i>[Signature]</i>

Party in default:

CLERK OF IONIA COUNTY

REQUEST AND AFFIDAVIT

- I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
- The defaulted party is not an infant or incompetent person.
- ☐ I do not know whether the defaulted party is in the military service. ☒ The defaulted party is not in the military service.  
☐ The defaulted party is in the military but there has been notice of pendency of the action and adequate time and opportunity to present a defense 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)
- This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

Subscribed and sworn to before me on November 13, 2012 at IONIA County, Michigan.  
My commission expires March 29, 2016 Signature: *[Signature]*  
Notary public, State of Michigan, County of IONIA

NOTE: Default may be entered by a district court clerk without the affidavit of a party.

DEFAULT ENTRY

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

11-13-12

CERTIFICATE OF MAILING

I certify that on this date 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

Signature

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	DEFAULT REQUEST, AFFIDAVIT, AND ENTRY	CASE NO. 12 K 29544-01
--	--	---------------------------

Plaintiff's name(s), address(es), and telephone no(s)  
Gloria Kim  
360 East Tuttle Rd Lot 54  
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  
*[Signature]*  
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 defaulted party is not an infant or incompetent person.
3. It is unknown whether the defaulted party is in the military service. ☒ The defaulted party is not in the military service.   
The defaulted party is in the military but there has been notice of pendency of the action and adequate time and opportunity for defense 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.

Subscribed and sworn to before me on November 13, 2012 IONIA County, Michigan.  
My commission expires March 29, 2016 Signature: *[Signature]*  
Notary public, State of Michigan, County of IONIA

NOTE: Default can be entered by a district court clerk without the request of a party.

DEFAULT ENTRY

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

Date: 11-13-12

CERTIFICATE OF MAILING

I carry out and certify 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:

Signature

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

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN  
COURT OF CLERKS  
21st JUDICIAL CIRCUIT  
COUNTY OF WASHTENAW

SUMMONS AND COMPLAINT

CASE NO.  
12-36-29547-AV

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).  
Plaintiff's attorney, if any, address, and telephone no.

Defendant's name(s), address(es), and telephone no(s).  
City of Ionia  
114 North Kidd Street  
Ionia, MI 48846

**SUMMONS - NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are summoned to appear in court on the date specified in this summons.
2. You must appear in court on the date specified in this summons to file a written answer with the court and serve a copy on the plaintiff.
3. If you fail to appear in court on the date specified in this summons, judgment may be entered against you for the relief requested in the complaint.

This summons expires 10-9-13 Court clerk Teresa Kich

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 complaint must be filed with the court and the clerk for relief must be stated on additional complaint pages and served on the defendant.

1. If the complaint is for a civil action within the jurisdiction of the family division of circuit court involving the family or family members of the parties, the complaint must be filed in the family division of the circuit court involving the family or family members of the parties.

The action is ☒ pending ☐ is no longer pending. The docket number and the judge assigned to the action are:

Judge \_\_\_\_\_

2. If the complaint is for a pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint, the complaint must be filed in the family division of the circuit court involving the family or family members of the parties.

The action is ☒ pending ☐ 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)

Place where the action arose or business conducted

10/09/13

Signature of attorney/plaintiff

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

2013-2014 SUMMONS AND COMPLAINT MCR 2.102(B)(1), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.208(A)

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN  
Circuit Court  
21st JUDICIAL CIRCUIT  
COUNTY OF WASHTENAW

SUMMONS AND COMPLAINT

CASE NO.  
12-M-29547-AV

Court telephone no.

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

Defendant's name(s), address(es), and telephone no(s).  
City of Ionia  
114 North Kidd Street  
Ionia, MI 48846

**SUMMONS - NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are summoned to appear in court.
2. You must file a written answer with the court and serve a copy on the plaintiff within 28 days if you were served by mail or you were served outside the state.
3. If you fail to appear or answer within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

10-9-12 1-9-13 Court clerk *Todd Kich*

This document must be sealed by the seal of the court.

The following information is required to be in the caption of every complaint: the names of the parties, the court, and the claims for relief must be stated on additional complaint pages and attached to this summons.

This is a civil action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

The action is ☒ no longer pending. The docket number and the judge assigned to the action are:

Judge

This is a civil action arising out of the same transaction or occurrence as alleged in the complaint.

The action 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)  
Place where action arose or business conducted

10/09/12  
Signature of attorney/plaintiff

For persons with disabilities or if you require a foreign language interpreter to help in court proceedings, please contact the court immediately to make arrangements.

2012-09-04 SUMMONS 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)

**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(ald). (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)