

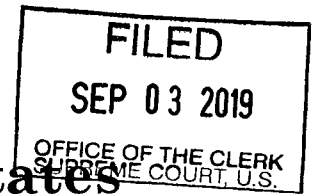
ORIGINAL

No. 19-5873

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**In The  
Supreme Court of the United States**

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In re Richard Arjun Kaul, MD

Petitioner

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On Petition for a Writ of Mandamus to the U.S. District Court for the District of  
New Jersey in Case No. 16-CV-02364 – BRM-JAD  
Richard Arjun Kaul, MD v. Christopher J. Christie, Esq

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**EMERGENCY PETITION FOR WRIT OF MANDAMUS**

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Dated: August 27, 2019

The following cases are related to the instant matter, and are referenced within the document according to the below key:

**K1: Kaul v Christie: 16-CV-02364 – U.S.D.C. for D.N.J**

**K2: Kaul v Christie: 18-CV-08086 – U.S.D.C. for D.N.J.**

**K3: Kaul v Schumer: 19-CV-13477 – U.S.D.C. for D.N.J.**

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## **Parties To The Proceeding**

Richard Arjun Kaul, MD is the Plaintiff in this action. The Defendants are: **(1)** Allstate New Jersey Insurance Company; **(2)** Andrew Kaufman, MD; **(3)** American Society of Interventional Pain Physicians (ASIPP); **(4)** Atlantic Health System (ANS); **(5)** Christopher Wolfla, MD; **(6)** Congress of Neurological Surgeons (CNS); **(7)** Divyesh Kothari; **(8)** GEICO; **(9)** James Gonzalez; **(10)** Gregory Przybylski; **(11)** Hackensack University Medical Center; **(12)** Lindy Washburn; **(13)** Marc Cohen, MD; **(14)** North Jersey Media Group (now “Fourth Edition”); **(15)** Peter Staats, MD; **(16)** Robert Garrett; **(17)** Robert Heary; **(18)** Lewis Stein; **(19)** Thomas Peterson; **(20)** University Hospital; **(21)** William Mitchell, MD; **(22)** TD Bank, NA

## **Relief Sought**

Petitioner Richard Arjun Kaul, MD (“Kaul”) respectfully requests that this Court grant Kaul’s petition for a writ of mandamus and direct the district court to open the case, and promptly adjudicate Kaul’s twenty-two (22) Motions for Summary Judgment against all the Defendants (“Defendants”).

## **Issues Presented**

- (1) Was the arbitrary refusal, on June 26, 2019, by the district court, to adjudicate Kaul’s twenty-two (22) motions for summary judgment, a consequence of the district court’s admitted acts of judicial corruption, a ‘Fraud on the Court’.
- (2) Whether this Court should reverse the ‘Fraud on the Court’, by ordering the case be opened and Kaul’s twenty-two (22) motions for summary judgment be adjudicated, in order to prevent prejudice to Kaul.

## **Standard of Review Under The All Writs Act**

The All Writs Act, 28 U.S.C. §1651, authorizes the issuance of all writs necessary or appropriate in aid of the court’s jurisdiction. The power of an original panel of a United States Court of Appeals to grant relief enforcing and protecting the terms of

its mandate is well established in the Supreme Court, this Circuit and other federal courts of appeal<sup>1</sup>. For example, in *Citibank v. Fullum*, this Court noted that:

Despite federal appellate courts' general reluctance to grant writs of mandamus ...The Supreme Court has repeatedly held that an appellate court has jurisdiction under U.S.C. §1651 to issue a writ of mandamus to compel an inferior court to comply<sup>2</sup>

To obtain a writ of mandamus in the Third Circuit, a party must show “**(1)** a clear abuse of discretion or clear error of law; **(2)** a lack of an alternative avenue for adequate relief; and **(3)** a likelihood of irreparable injury.”

## **Facts Necessary To Understand Petition**

Kaul respectfully asserts that the below stated facts, chronologically organized, will facilitate this Court's understanding as to why Kaul has submitted this Writ of

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1. *FTC v. Dean Foods Co.*, 384 U.S. 597 (1966); *US v. NY Tel. Co.*, 434 US 159 (1977); *Cheney v. United States Dist. Court*, 542 U.S. 367, 381 (2004); *Citibank v. Fullum*, 580 F.2d 82 (3d Cir. 1978); *US v. Wexler*, 31 F3d 117 (3d Cir. 1995); *US v. Apple MacPro Computer*, 851 F3d 238 (3d Cir. 2017); *City of Cleveland v. FPC*, 561 F.2d 344, 346 (D.C. Cir. 1977); *ILGWU v. Donovan*, 773 F2d 920 (D.C. Cir. 1984)(per curiam); *PEPCO v. ICC*, 702 F.2d 1026 (DC Cir. 1993); *In re People's Mojahedin Organization of Iran*, 680 F.3d 832 (D.C. Cir. 2012); *Iowa Util. Bd v. FCC*, 135 F3d 535 (8<sup>th</sup> Cir. 1998) vacated on other grounds; *In re FCC*, 217 F.3d, 125 (2d Cir. 2000); *Am. Trucking Assoc. v. ICC*, 669 F2d 957 (5<sup>th</sup> Cir. 1982); *In re March*, 988 F.2d 498 (4<sup>th</sup> Cir. 1993)

2. 580 F.2d at 86-87 (citations omitted)

Mandamus, and why this Court should grant the writ. This case is about professional jealous, political corruption, fraud and obstruction of justice. It brings together the worlds of medicine, politics, business, law and involves all elements of the body politic, as well as administrative, state, bankruptcy and federal courts within the geographic boundaries of the State of New Jersey. The case involves a corrupt segment of the federal judiciary, whose members all belong to the New Jersey Bar, and have well established and ongoing commercial connections with politically active law firms and the business community. The dispensation of justice in these courts is a purely commercial affair, in which these courts have been converted into racketeering enterprises, within which, corrupted judges and lawyers engage in a “**pattern of racketeering**” that involves, amongst other things, the predicate acts of: (i) mail fraud; (ii) wire fraud; (iii) obstruction of justice; (iv) bribery; (v) perjury:

**(1) February 11, 2019: Kaul motion for summary judgment against Defendant**

Allstate New Jersey Insurance Company (D.E. 299 Page 7017) – Kaul moved for summary judgment on COUNT TWO (VIOLATIONS OF 18 U.S.C. § 1962(C)-(D), THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, 18 U.S.C. § 1962, ET SEQ.), COUNT ELEVEN (DEPRIVATION OF RIGHT UNDER COLOR OF LAW), COUNT TWELVE (COMMERCIAL DISPARAGEMENT), COUNT THIRTEEN (INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE), COUNT FOURTEEN (AID IN THE COMMISSION OF TORT). Kaul asserted



the following arguments: (i) Defendant Allstate's defenses are based entirely on the evidence of the revocation of Kaul's license, evidence that has been disproved/negated by the evidence contained in 'The Solomon Critique' + 'The Solomon Critique 2'; (ii) Kaul has dismantled the entire body of evidence, upon which Defendant Allstate fabricated its knowingly false defenses; (iii) Kaul has submitted evidence in proof of all claim elements and has satisfied the summary judgment standard that there exists no genuine issue of material fact. (D.E. 299 Page ID 7025). Defendant Allstate New Jersey Insurance Company filed no defense to the motion. The evidence submitted in support of the motion includes, amongst things, 'The Solomon Critique' (D.E. 225), a critical/comparative analysis of the one hundred-and five-page opinion of K2 defendant and New Jersey administrative law judge, Jay Howard Solomon, with the trial transcript and other evidence. It proves that the proceedings that caused the revocation of Kaul's license were a massive fraud (D.E. 299 Page ID 7034), **"The above one thousand four hundred and sixty-seven (1,467) words are pure and unmitigated fraud, the proof of which exists in 'The Solomon Critique' + 'The Solomon Critique 2' . This evidence is irrefutable, of which there exists no question of material fact, and thus Allstate, regardless of how many politicians/legislators/judges it has bribed/purchased, can simply not overcome this 'mountain' of evidence, an edifice of truth, and one**

**that the federal appellate courts will likely refer for criminal prosecution.”**

**(2) February 15, 2019: Letter from Defendant Allstate New Jersey Insurance Company to Judge Mannion (D.E. 298 Page ID 7014)** – Defendant Allstate submitted a letter that attempted to have the district court strike from the record, Kaul’s motion for summary judgment, because it believed the document contained “‘scandalous’ matter”, which it did not, however, identify. Defendant Allstate’s belief that it could suppress Kaul’s prosecution of the case, is consistent with its control of the district court, achieved through its long-standing corruption of the court. The document, however, was not stricken from the record, as the district court did not want to appear biased, but simply intended to ignore the motion.

**(3) February 22, 2019: Order/Opinion of dismissal (D.E. 300 Page ID 8171)** – Defendant Allstate, in control of the district court, ordered Judge McNulty to immediately dismiss the case. He hurriedly entered a forty-seven (47) page opinion, replete with errors of law and fact, that was purposed to close the case, in order to make moot Kaul’s motion for summary judgment, the return date of which was February 25, 2019.

**(4) March 5, 2019: Letter from Kaul to Judge Mannion (D.E. 309 Page ID 8374)** – On October 2, 2018, the district court entered an order in K2 (D.E. 58 Page ID 1143), that required Kaul to **“file a letter to restore this case within 14 days after the last motion to dismiss has been decided in Kaul v**

**Christie, Docket No. 2:16-cv2364 (KM-SCM) indicating whether to restore this matter to the active list or to extend the stay/termination.”** On March 5, 2019, Kaul submitted such a letter, in which he raised the issue that the motion for summary judgment remained pending, **“The return date of this motion was February 25, 2019, a dispositive motion that is still pending. This motion was not addressed in the Court’s order of February 25, 2019, or indeed by Defendant Allstate.”** The failure to address the motion was consistent with the hurried manner in which the case was dismissed, a direct consequence of an ex parte order from Defendant Allstate New Jersey Insurance Company. The district court did not re-activate K2, despite Kaul’s request.

**(5) March 11, 2019: Letter from Defendant Allstate New Jersey Insurance Company to Judge Mannion (D.E. 310 Page ID 8376)** – Defendant Allstate inserted into the mind of the district court an order to find moot, Kaul’s motion for summary judgment, and to terminate the motion. This letter, although not intended to, began to betray the fact that Defendant Allstate New Jersey Insurance Company controls the district court, and as would later become evident, it did so through the bribing/corruption of district court judges.

**(6) March 12, 2019: Order (D.E. 311 Page ID 8378)** – Judge McNulty followed the order of Defendant Allstate New Jersey Insurance Company, declared the motion for summary judgment moot, and then ADMINISTRATIVELY

TERMINATED the motion, without addressing Kaul's argument that the case remained open (D.E. 309 Page ID 8374). Judge McNulty took this arbitrary action because he had received bribes from Defendant Allstate New Jersey Insurance Company.

**(7) March 12, 2019: Letter from Kaul to Judge Mannion (D.E. 312 Page ID 8379)**

– Kaul raised the arbitrariness of the finding of mootness of the motion for summary judgment, **“The Court must enter a reasoned order that either grants or denies the motion, as it was submitted before the order of dismissal, and Kaul respectfully asserts, was the cause for the rushed issuance of the Court’s order (D.E. 300).”** Judge McNulty had been corrupted by Defendant Allstate New Jersey Insurance Company. He had no intention of ever permitting Kaul to advance the claims into discovery, and his hurried entry of an order of dismissal on February 22, 2019, followed by his refusal to adjudicate the motion for summary judgment were the quo of the quid pro quo scheme, the Faustian Pact, into which he had entered with Defendant Allstate New Jersey Insurance Company.

**(8) March 18, 2019: ‘The McNulty Analysis’ (D.E. 313-1 Page ID 8381)** – Kaul

submitted a sixty-four (64) page document that identified the defendants/Court’s **“three (3) year strategy to obstruct Kaul’s prosecution of the case.”** (D.E. 313-1 Page ID 8385), and the legal/factual erroneous of the opinion/order of dismissal of Judge McNulty/defendants’ opinion of February 22, 2019, **“Please find submitted, for no reason**

**other than to demonstrate the incorrectness and errors of the above opinions ... your opinion is wrong ... law ... unsupportive.”** The findings within ‘The McNulty Analysis’ evidence the corruption within the district court, which is consistent with the summary judgment mootness order. The district court has been criminally corrupted by the defendants. An American federal court has been bought. How, did this ever happen. It is almost as if the President ought to use the military to enforce law and order in the district courts, and to make sure judges obey the law.

**(9) March 22, 2019: Affidavit accompanying motion for permission to appeal in forma pauperis (D.E. 315 Page ID 8451) – One of the potential appeal issues raised by Kaul pertained to judicial corruption, “**Judge McNulty committed clear and convincing error, when he failed to recuse himself from the case, in the knowledge that he was conflicted, and remained the commercial beneficiary of monies from his law firm, a law firm that both represented a number of defendants and continued to provide legal representation on other matters to defendants.**”** This corruption was the cause of the court’s three (3) year scheme to pervert the course of justice, and obstruct Kaul’s prosecution of the case. These are felonies.

**(10) April 1, 2019: Order (D.E. 319 Page ID 8461) – As a consequence of ‘The McNulty Analysis’, and with the purpose of improperly permitting the defendants an opportunity to rebut the document, in order to mitigate the**

risk of reversal on appeal, the district court entered an order that identified its previous orders/opinions (D.E. 300 to D.E. 304) as not final, nor appealable, and that there remained on the court docket, **“motions outstanding”**. This note, hand written by Judge McNulty, evidences his corrupted state-of-mind, as Kaul’s summary judgment motion was outstanding, but he made it moot, while those pertaining to defendants Mitchell and Heary, he adjudicated in their favor, while permitting the defendants to submit onto the record, a response to ‘The McNulty Analysis’, but in which, incredulously, he misrepresented the law, in an attempt to prevent Kaul from responding to the defendants response to ‘The McNulty Analysis’ (D.E. 325 Page ID 8480), **“Plaintiff is not permitted, without leave of Court, to file a reply to Defendants’ opposition to Plaintiff’s motion for reconsideration.”** This was the consequence of another order from the defendants, **“Pursuant to Local Rule 7.1 (d) (3), [n]o reply papers shall be filed, unless permitted by the Court ...”** (D.E. 321 Page ID 8466). Judge McNulty did what he was told by the defendants, because they had bribed him and the district court.

**(11) April 1, 2019: Kaul response to defendants’ opposition to Kaul’s application to proceed IFP (D.E. 320 Page ID 8462)** – Kaul highlighted the relation between the dismissal of the SAC and the corruption of the court, **“Kaul also respectfully asserts that the only plausible explanation as to why the**

**SAC was dismissed is that this Court is irredeemably conflicted and terminally corrupted.”** (D.E. 320 Page ID 8464).

**(12)** April 8, 2019: Letter from Kaul to Judge McNulty re: motion for summary judgment against Defendant Allstate New Jersey Insurance Company (D.E. 326 Page ID 8481) – ‘The McNulty Analysis’ induced un-dismissal, and continuance of the case on April 5, 2019 (D.E. 325 Page ID 8479) by Judge McNulty, caused the motion to become “**no longer moot**”, and Kaul moved the district court to adjudicate the motion, “**... requests that the Court either grant or deny the motion for summary judgment.**” The district court continued to ignore Kaul’s motion for summary judgment. This letter, although filed with the court on April 8, 2019, was not posted to the docket till May 8, 2019.

**(13)** April 23, 2019: Kaul petition for a writ of mandamus to the United States Court of Appeals for the Third Circuit (D.E. 330 Page ID 8493) - The district court continued to ignore Kaul’s motion for summary judgment, and thus he sought relief in the appellate court. Kaul advanced the following reasons, as to why the writ should be granted: **(a)** Kaul respectfully asserts that the district court’s refusal to rule on Kaul’s motion for summary judgment against Defendant Allstate is tantamount to an obstruction of justice; **(b)** Kaul respectfully asserts that the law finds that a Writ of Mandamus is a legitimate legal instrument to effectuate the interests of justice, when a district judge arbitrarily refuses to rule on a motion for summary judgment;

(c) Kaul respectfully requests that this Court grant Kaul's request for a writ of mandamus, that orders the district court to adjudicate Kaul's timely motion for summary judgment, as it will facilitate the "**just, speedy and inexpensive determination**" of this case; (d) Kaul respectfully requests that this Court grant his request for a writ of mandamus as it will not impinge on the district court's inherent case management authority, but it will mitigate the defendants/district court's obstruction of Kaul's prosecution of the case; (e) Kaul respectfully assert that his application for a writ of mandamus satisfies the "three conditions" set forth by the United States Supreme Court.

(14) May 8, 2019: Motion for judicial disqualification of Judge Kevin McNulty + Transfer of cases to the United States District Court for the Southern District of New York (D.E. 334 Page ID 8591) – Kaul moved for the disqualification of Judge Kevin McNulty pursuant to 28 U.S.C. § 455 and § 144, based on thirty-four (34) facts of judicial corruption, obstruction of justice and multiple conflicts of interest, that included, amongst other things, "**Judge McNulty is the brother-in-law of US Senator, Charles E. Schumer, a senior figure in the American Democratic party, and an individual who received bribes from defendants Allstate Insurance Company + Geico + TD Bank, NA, as part of a series of quid pro schemes, purposed to obstruct Kaul's prosecution of K1. Senator Schumer conspired with Judge McNulty to obstruct Kaul's prosecution of K1, and to cause its**



**dismissal with prejudice on February 22, 2019.”** (D.E. 334 Page ID 8596). On May 22, 2019, Judge McNulty became disqualified. However, he did not vacate his previous orders, or transfer the case out of the District of New Jersey, because of the bribes he and his brother-in-law, Senator Charles Schumer, had received from the defendants.

**(15) May 14, 2019: Affidavit and Motion for Permission to Proceed IFP** (D.E. 337 Page ID 8661) – Within the submission, Kaul stated the issues on appeal, one of which was, **“The Court has committed clear and convincing error by failing to adjudicate Kaul’s motion for summary judgment against Defendant Allstate New Jersey Insurance Company. This error is tantamount to an obstruction of justice.”** (D.E. 337 Page ID 8661). The reason for this crime, not legal error, was judicial corruption. There existed no legitimate legal basis for the failure to adjudicate the motion, and none was provided. Judge McNulty and the defendants converted the District of New Jersey into a racketeering enterprise, as is alleged in K3.

**(16) May 21, 2019: RESPONSE TO DEFENDANTS OPPOSITION TO ‘The McNulty Analysis’** (D.E. 341 Page 8675) – Judge McNulty, in permitting the defendants to file opposition papers to **‘The McNulty Analysis’** converted it into a motion to vacate judgment, and not one for reconsideration. Regardless of this fact, the district court and Judge Martinotti perpetuated its knowing falsehood, i.e. **‘The McNulty Analysis’** was a motion for reconsideration (D.E. 385 Page ID 9330). Kaul addressed this in a petition submitted to the United

States Court of Appeals for the Third Circuit, on August 23, 2019, for a writ of mandamus, **“Judge Martinotti knowingly perpetuated the reversible legal error initiated by Judge McNulty on February 22, 2019, because he had received bribes from the defendants (admitted on August 8, 2019 D.E. 387 Page ID 9354).”** (D.E. 393 Page ID 9454). The legal sufficiency of Kaul’s twenty-two (22) motions for summary judgment is evident in the fact of the defendants failure to contest the evidence underpinning the motions, **“The defendants’ omnibus brief, as with all of their prior submissions, has failed to address/rebut/contest/refute any of the conclusive evidence within the record, all of which was submitted in support of Kaul’s motion for summary judgment against Defendant Allstate New Jersey Insurance Company (D.E. 299).”** (D.E. 341 Page ID 8677).

**(17) May 29, 2019: NOTICES OF MOTION FOR SUMMARY JUDGMENT (D.E. 343 Page ID 8708 to D.E. 368 Page ID 9223)** – Pursuant to F.R.C.P. 56, Kaul submitted twenty-two (22) motions for summary judgment against the defendants. Kaul indicated the return date as June 24, 2019, but it was actually July 1, 2019. The defendants were properly served, the motions were docketed, but the defendants failed to respond, and the court entered no order confirming the return date. This inaction occurred, because the defendants had bribed the district court judges.

(18) June 4, 2019: Letter from Defendants to Chief Judge Freda Wolfson (D.E. 365

Page ID 9221) – The defendants, in the knowledge that they had bribed the judges, instructed them as follows, **“Defendants respectfully request that the Court administratively terminate Plaintiff’s Motions for Summary Judgment...”** (D.E. 365 Page ID 9222). However, more tellingly of the corruption/conspiracy between the district court judges/defendants was the fact that the defendants were actually defending their co-conspirators, the corrupt judges, **“Most recently, Plaintiff demanded that Your Honor compel retired Chief Judge Linares to provide “a complete and comprehensive list of any and all conflicts of interest, past or present” due to Plaintiff’s unfounded suspicion that Judge McNulty and Linares “engaged in prolonged patterns of judicial corruption, in which they used the power of the federal bench to improperly and illegally advance their personal commercial agendas.”** (D.E. 365 Page ID 9222). This letter is both a consequence and evidence, of judicial corruption. It is noteworthy that the law cited to by the defendants, was not employed by the court on June 26, 2019, when it arbitrarily administratively terminated the motions for summary judgment. The reason for this, is that the law is wrong, a fact the court recognized, and realized, would result in appellate reversal, if used as the legal basis.

(19) June 21, 2019: Case Summary – Defendant Geico (D.E. 374 Page ID 9268) –

Defendant Geico stated, **“Despite the lack of any pending claims, on**

May 29, 2019, Kaul filed twenty-one (21) separate motions for summary judgment. See S.E. 343-63, 368. Defendants' position is that these motions are procedurally and substantively deficient; nevertheless, they remain pending on the docket and require the Court's attention." (D.E. 374 Page ID 9268). This was simultaneously a false statement, and instruction to the corrupted court. The falsity is evident in (D.E. 388 Page ID 9381), **"THE DEPUTY COURT CLERK: It's open. It's not closed."** (Transcript-Page 8 Line 13 to Page 9 Line 23 – Oral argument on June 26, 2019). The district court, as with every other order it entered on June 26, 2019, conducted itself in an arbitrary and capricious manner, consistent with its corrupted position.

**(20) June 21, 2019: Case Summary – Defendant Allstate (D.E. 375 Page ID 9272)**

– Defendant Allstate's guilty silence on the evidence of Kaul's summary judgment motion, yet it absolute non-silence on Kaul's claims against it, Defendant Charles Schumer et al., **"Kaul v Schumer, et al., ... alleging totally absurd and unsupported allegations of bribery and manipulation of the federal justice system in this Court."** (D.E. 375 Page ID 9271). It is noteworthy that this is the type of **"fantastical"** language that was used by the defendants at the commencement of the case, to describe Kaul. It stopped shortly after August 21, 2017, the date that Kaul filed 'The Zerbini Certification' (D.E. 205-1 Page ID 4275), **"Dr. Kaufman seemed to have some kind of vendetta against Dr. Kaul, and made**

**comments to the effect that he was going to destroy Dr. Kaul's medical career, his reputation, and make sure he never worked again as a doctor. He stated that he was going to make sure Dr. Kaul was ostracized, and that he and a group of five other doctors had been working together since at least 2011, to make sure Dr. Kaul's medical license was revoked. He mentioned that they were going to have articles and stories published, that caused permanent damage to Dr. Kaul's reputation, so that he would never be able to find work."** (D.E. 205-1 Page ID 4277). In *Kaul v Schumer*, the United States District Court for the Southern District of New York failed to appoint a judge for two (2) months, and then when it did, it transferred the case to the corrupted District of New Jersey (19-CV-3046 D.E. 4 Page ID 1 of 2). It appears that the cancer of corruption has metastasized across the Hudson. Defendant Allstate's **"unsupported allegations of bribery and manipulation of the federal justice system in this Court"** assertion is now supported, and is fact, **"Kaul respectfully asserts that the law finds a Writ of Mandamus is a legitimate legal instrument to effectuate the interests of justice, when a district judge/s admits to having engaged in bribery/ex parte communications, but refuses to submit his/her financial disclosures/conflicts of interest."** (D.E. 393 Page ID 9433).

**(21) June 21, 2019: Case Summary – Plaintiff Kaul (D.E. 377 Page ID 9280) –**

Kaul made central the impact that judicial corruption had on the case,

**“Judge McNulty’s adjudication of the case was corrupt, because he was conflicted and has directly/indirectly economically benefitted from the case, which is consistent with his failure to disclose to the record, the Court and the parties his financial holdings and conflicts of interest. These facts corroborate the obstruction of justice claims asserted in K3, and provide evidential context in support of Kaul’s motions for summary judgment ... The defendants failure to address/rebut/contest/refute the claim conclusive/defense dismantling evidence submitted into the case, is evidence that proves the revocation of Kaul’s license was illegal, an event upon which the defendants have based their defense, but one that no renders them defenseless. Thus, without any defense, they have no case, and therefore nothing to try. The law demands summary judgment ... The defendants summary judgment defeat is inevitable”** (D.E. 377 Page ID 9281). Every order entered by Judge McNulty was corrupt, as he had been bribed by the defendants.

**(22) June 27, 2019: Letter from Kaul to Chief Judge Freda Wolfson (D.E. 383 Page ID 9292)** – Kaul, having been subjected to gross and continuing violations of his constitutional rights, for a period that commenced in 2012, a period in which the defendants converted administrative, state, bankruptcy and federal courts within the geographic boundaries of New Jersey, into racketeering enterprises, purposed to destroy Kaul, informed the district

court, **“I respectfully inform the Court that if the above requested information is not provided by 5 pm EST on Monday July 1, 2019, I will move in the United States Court of Appeals for the Third Circuit for a writ of mandamus, a copy of which will be filed with the United States Supreme Court. I shall also bring this issue to the attention of the President of the United States of America.”** (D.E. 383 Page ID 9293). On August 19, 2019 Kaul submitted into the Third Circuit, a petition for a writ of mandamus ordering the district court judges to disclose their financial holdings and conflicts of interest (D.E. 393 Page ID 9406).

**(23) July 7, 2019: Notice of Interlocutory Appeal + Affidavit + Motion in support of IFP application (D.E. 384-1 Page ID 9307)** – Kaul brought to the attention of the United States Court of Appeals for the Third Circuit, the issue of judicial corruption in the district court, **“It is my position, as evident from the letter, that the defendants have bribed federal judges in the United States District Court for the District of New Jersey, and I will be moving to have this and all related cases transferred out of this court.”** Neither the court nor the defendants, as they had previously done with their efforts to have stricken from the record, Kaul’s motion for summary judgment (D.E. 298 Page ID 7014), and as they would do later with their admissions of judicial corruption (D.E. 392 Page ID 9402), contested/rebutted/addressed the fact of bribery. The district court and the

defendants have converted the United States District Court for the District of New Jersey into a racketeering enterprise.

**(24) July 29, 2019: E-mail from Kaul to defendants re: Motion to Certify Order of June 26, 2019 for Interlocutory Review (D.E. 393 Page ID 9426)** – Kaul e-mailed the defendants a copy of a brief he intended to submit to the district court on August 1, 2019, for certification of interlocutory review of the court’s administrative termination of his motions for summary judgment. The defendants, as Kaul asserts, “... **engaged in an improper and illegal ex-parte communication, in which they forwarded a copy of the motion to the chambers of Judge Martinotti, which caused him to almost immediately enter his order of denial.**” The defendants scheme of bribery was intertwined with, and facilitated by their system of ex-parte communications.

**(25) July 29, 2019: Order denying Kaul’s so-called motion for reconsideration (K1 – D.E. 385 Page ID 9336) (D.E. 385 page ID 9330)** - As a direct consequence of Kaul’s motion for certification for interlocutory review, Judge Martinotti, instead of granting the application in order that Kaul’s question might be answered by the Third Circuit, immediately entered an order denying what he and Judge McNulty had framed a “**motion for reconsideration**”. His opinion was fraudulent and its effect to dismiss K1, was consistent with the defendants/Court’s thirty-nine (39) month long scheme of bribery and judicial corruption. Kaul raised these issues in his petition to the Third Circuit for a



writ of mandamus ordering district court judges to disclose their financial holdings and conflicts of interest, **“Kaul respectfully asserts that the refusal of the district court judges to provide their financial holdings and conflicts of interest is because they have been corrupted and are conflicted. This corruption and conflicts of interest have caused the non-adjudication of motions, have obstructed Kaul’s prosecution of the case, have caused the entry of illegal orders, and a dismissal of the case.”** (D.E. 393 Page ID 9409). The district court judges have engaged in criminal conduct.

**(26) July 30, 2019: NOTICE OF MOTION FOR INTERLOCUTORY RELIEF**

(D.E. 386 Page ID 9338) – Kaul highlights the strength of his claims for summary judgment, and the absence of the defendants’ defenses, **“The defendants have no defenses, and the evidence in support of Kaul’s claims is conclusive, has not been refuted and is irrefutable. The damages to Kaul will continue to accrue, as it is likely that every medical board in the United States will deny him a license, based on the revocation of his New Jersey medical license. Each “new racketeering injury” will provide for a series of new claims, unless this case is concluded in accordance with his terms of settlement (D.E. 1-2 Page 196 to 200)”** (D.E. 386 Page ID 9348). The court’s corrupted termination of Kaul’s attempt to have the Third Circuit conduct an interlocutory review of the administrative termination of the motions for

summary judgment, is one of the reasons for this petition for a writ to the United States Supreme Court.

**(27)** August 1, 2019: Request for admission or denial of statements pertaining to the transmission/exchange of information/monies between Judge Martinotti and the defendants (D.E. 387 Page ID 9352) – Judge Martinotti caused to be admitted the twenty-seven (27) statements within the document. The admissions pertain to schemes of bribery, ‘Fraud on the Court’, perversion of the course of justice and ex parte communications. They evidence the corrupt relation between the administration of the case, the district judges and the defendants. The defendants bought the court.

**(28)** August 6, 2019: Petition to the United States Court of Appeals for the Third Circuit for a rehearing of Kaul’s petition for a writ of mandamus (19-1977) seeking to order the adjudication of Kaul’s motion for summary judgment against Defendant Allstate New Jersey Insurance Company (D.E. 388 Page 9374) – On July 23, 2019 a panel of the Third Circuit denied Kaul’s petition, based on its erroneous understanding that because the case had been dismissed, the summary judgment motion was moot (D.E. 388 Page 9388). The motion became un-moot, the moment Judge McNulty un-dismissed the case (D.E. 325 Page ID 8479), which happened on April 5, 2019, when he permitted the defendants to file a response to ‘The McNulty Analysis’. The submission contains evidence of judicial corruption, **“Judge McNulty became disqualified, a disqualification that confirmed the charges of**

bribery. He issued a defense, in which he did not deny, and effectively admitted that he had received monies from his law firm and K3 defendant, Gibbons, PC (D.E. 340 Page ID 8672).” (D.E. 388 Page ID 9377).

**(29) August 19, 2019: Petition to the United States Court of Appeals for the Third Circuit for a writ of mandamus ordering district court judges to disclose their financial holdings and conflicts of interest (D.E. 393 Page ID 9406)** – Within the submission, Kaul states, **“The following facts are consistent with Kaul’s argument that the orders/rulings/decisions of the district court were not legitimately based in law and fact, but were a direct consequence of a [sic] quid pro schemes between the district judges and the defendants, in which the defendants bribed the judges to enter orders adverse to Kaul, and to have the case dismissed ... The following facts lend substantial weight to the proposition that the defendants have corrupted the district court and its judges.”** (D.E. 393 Page ID 9415).

## **Reasons For Granting The Writ**

- 1. Kaul respectfully asserts that the defendants and district court judges have committed a massive ‘Fraud on the Court’, the specific details of which will be exposed by a grant of the writ.**

Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court. Fraud upon the court makes void the orders and judgments of that court.

In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated **"Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function — thus where the impartial functions of the court have been directly corrupted."**

When it can be proved that a judgment of a court was obtained by fraud, then an independent action to set aside the judgment can be brought in a different court. See Hazel-Atlas Glass Co. v. Hartford Empire Co., (322 U.S. 238 (1944)), **"The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud..."** at 244, 245.

**"The truth is more important than the trouble it takes to get it"** See Publicker v. Shallcross, 106 F.2d 949 (3<sup>rd</sup> Cir. 1939), in which only the issue of "intrinsic" fraud was raised. In the instant matter, there exists both "intrinsic" and "extrinsic" fraud, that involve bribery and judicial corruption.

A grant of the writ will permit Kaul discovery, in which he will gather evidence of the defendants' crimes, a "trouble" that will serve the interests of the public and justice. A "trouble" that Kaul respectfully asserts, will send a message that it makes no difference who you or how much money you have, you are not above the law.

**2. Kaul respectfully asserts that the grant of the writ will be in aid of the Court's appellate jurisdiction**

The adjudication of Kaul's twenty-two (22) motions for summary judgment will facilitate the development of a case for appeal, in which no critical questions or matters have been left un adjudicated, and can thus be presented for appellate review. To not have the motions adjudicated, would improperly deprive the Court of its rightful jurisdiction, and would in effect, curtail the Court's right to properly judge the case.

**3. Kaul respectfully asserts that a grant of the writ is warranted because of the exceptional circumstances that exist in this case.**

The judges in the District of New Jersey have been corrupted by the defendants. The court is tainted, as are all of the orders that it has issued since April 19, 2016. The evidence of this, as stated above, makes exceptional, the circumstances of this case, and thus warrant the Court exercise its discretionary power to issue a writ

**4. Kaul respectfully asserts that adequate relief cannot be obtained in any other form or from any other court**

The non-adjudication of the motions for summary judgment was a calculated move by the district court, to deny Kaul the opportunity to appeal a potential denial. Thus Kaul has been foreclosed from obtaining relief through the appellate process. The Third Circuit is currently in an adversarial position with Kaul, because it rendered an erroneous opinion that denied Kaul's petition for a writ ordering Judge McNulty to adjudicate Kaul's motion for summary judgment against Defendant Allstate New Jersey Insurance Company. On August 5, 2019, Kaul submitted a petition for rehearing.

**5. Kaul respectfully asserts that a grant of the writ will serve the interests of justice, and will more readily cause to be concluded ongoing parallel litigation, which will result in a conservation of judicial resources.**

The pendency of K2 and K3, and the “**new racketeering**” injuries and subsequent claims that will accrue with every denial of application for medical licensure, that is in any way related to the illegal revocation in New Jersey, will perpetuate the litigation. See generally Sedima, 473 U.S. at 496 & n. 14, 105 S.Ct. at 3285 & n.14. Congress tied the right to sue for damages under § 1964(c), not to the time of the

defendants' RICO violation, but to the time when plaintiff suffers injury to "**his business or property**" from a violation. At a later date, when a new and independent injury is incurred from the same violation, the plaintiff is again "injured in his business or property" and his right to sue for damages from that injury accrues at that time. Kaul's application for medical licensure to the State of Pennsylvania was denied on May 21, 2019, because of the revocation in New Jersey. Kaul's application in 2014 for a hearing to have his license reinstated in New Jersey in 2014 was denied, because he had refused to pay the \$475,000 fine levied by K2 defendant, NJBME. A grant of the writ will substantially mitigate these threats, and conserve judicial resources. A grant of the writ serves the interests of the public and the federal judiciary outside of the District of New Jersey. It does not serve the interests of the defendants or certain judges within the District of New Jersey.

**6. Kaul respectfully assert that his application for a writ of mandamus satisfies the "three conditions" set forth by the United States Supreme Court.**

This Court, pursuant to the All Writs Act, which authorizes that "[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a)" has the authority to order the district court to render a decision on Kaul's motion for summary judgment against Defendant Allstate New Jersey Insurance Company. The requisite "three conditions" that must be satisfied before the issuance of such an order pursuant to § 1651(a) in aid of its

jurisdiction are: **“(1) “no other adequate means” to attain the relief sought, and (2) a right to the writ that is “clear and indisputable,” and, (3) even if these first two conditions are met, the reviewing court in its discretion must conclude that the writ “is appropriate under the circumstances.”** **Cheney v. Dist. Court for Dist. Of Columbia, 542 U.S. 367, 380-81, 124 S.Ct. 2576, 159 L.Ed.2d 459 (2004).**” See In re: Briscoe, 448 F.3d 201 (2006) at 212. Kaul has satisfied the first condition. Kaul’s plea to the district court to rule on the motion for summary judgment has been ignored, and thus Kaul has no basis for an interlocutory appeal or indeed an appeal as of right, as the final judgment that was entered regarding the federal-law claims (D.E. 300 Page ID 8171) was effectively rescinded on April 4, 2019 (D.E. 325 Page ID 8479). It is the strategy of the defendants/Court to leave Kaul in ‘legal limbo’ with regards to the motion for summary judgment, in order to obstruct his prosecution of the case. However, if the district court were to grant the motion, it would facilitate a more expeditious conclusion of the case, one that would consume fewer court resources and would require the defendants to spend less on lawyers. Similarly, if the district court were ordered to order Defendant Allstate New Jersey Insurance Company to answer the motion, then it would facilitate an evidential clarification of the issues, and illuminate the strengths/weaknesses of the parties’ positions, which would more readily prompt an early settlement. And finally, if the district court were to grant the motion, it would conserve the court’s invaluable resources, benefit the treasury of the IRS, and permit the defendants to plan a more organized ‘retreat’ (in the



sense of surrender, not sabbatical), and one that would not require the cost of trial:

**“Under the policy of Rule 56, movants are entitled to avoid the expense and tribulations of trial if they can prove that there is no triable issue.”** See

In re: School Asbestos Litigation, 977 F.2d 764 (1192) at 794. The district court’s

refusal to rule on the motion would make it impossible for Kaul to appeal the

matter at the end of the case, or in fact cause Judge McNulty to perform his duties:

**“Moreover, review after final judgment cannot force a district judge to adjudicate, and interlocutory appeal is unlikely to be available.”** In re:

School Asbestos Litigation, 977 F.2d 764 (1192) at 793. Kaul has satisfied the

second condition, in that the district court has **“committed a ‘clear error of law’**

**at least approaching the magnitude of an unauthorized exercise of judicial power, or a failure to use that power when there is a duty to do so.”** In re

Federal-Mogul Global, Inc., 300 F.3d 368, 384 (3d Cir. 2002).

Kaul respectfully asserts that the third condition, pursuant to the law of this Court

and that of the Supreme Court, has been satisfied. Kaul will be irreparably injured

if the district court is not ordered to rule on Kaul’s motion for summary judgment

against Allstate, as it will prohibit him from either benefits of a grant or the basis of an appeal.

## **Conclusion**

This Court should direct the district court to promptly decide Kaul’s motions for

summary judgment against the defendants for the following reasons: **(i)** Kaul will

be irreparably prejudiced with regards to his appeal of the case, if the district court

fails to rule on the motion, as a denial, if entered, will provide a critical base for appeal; (ii) Kaul will be irreparably prejudiced with regards to his prosecution of the case, if the district court fails to rule on the motion, as a grant, if entered, will facilitate the proof of Kaul's claims; (iii) mandamus is appropriate because Supreme Court Law requires that judgment be entered on the motion; (iv) it is within this Court's discretion to issue a writ directing the district court to promptly decide Kaul's motions for summary judgment against the defendants; (v) Judge Martinotti is conflicted for the reasons set forth above, and is thus motivated to not deny or grant the motion, in the knowledge that either will result in an outcome adverse to his interests, and those of the defendants that have bribed him.

For the above stated reasons, Kaul respectfully moves this Court to order Judge Brian R. Martinotti to either grant or deny Kaul's motions for summary judgment against the defendants.

I, Richard Arjun Kaul, MD, the Petitioner, do hereby certify that the above statements are true and accurate to the best of my knowledge, and that if it proved that I willfully and knowingly misrepresented the facts, then I am subject to punishment.

Dated: August 27, 2019

*R. Kaul*

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Richard Arjun Kaul, MD