

## APPENDIX A1 of 2

## IDAHO SUPREME COURT

Clerk of the Courts

PO Box 83720

Boise, Idaho 83720-0101

(208) 334-2210

BENEFICIAL FINANCIAL | Appellant Brief Due

I INC., |

Plaintiff-Respondent, | Docket No. 46509-2018

v. | Madison County

| District Court

| CV-2015-74

MARILYNN THOMASON |

Defendant-Appellant |

Defendant-Appellant, |

and |

The Unknown Heirs, |

Assigns and Devisees |

of BYRON T, MADISON |

COUNTY, IDAHO; JOHN |

BAGLEY, TERRENCE |

BAGLEY, BEARD ST. |

CLAIR GAFFNEY PA, |

GREG V. THOMASON, |

DIANA THOMASON, |

W. BRENT EAMES, |

LIBERTY PARK |

IRRIGATIONS CO, |

RIGBY, ANDRUS &amp; |

APPENDIX A2 of 2

|                        |  |
|------------------------|--|
| RIGBY CHARTERED,       |  |
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |
| _____                  |  |

The Clerk's Record and Supplemental Clerk's Record for the above-entitled appeal was filed in this office on December 19, 2019.

The current Appellate Rules require that the Appellant Brief be filed in this office or postmarked by January 23, 2020.

Dated 12/19/2019

For the Court:  
Karel A. Lehrman  
Clerk of the Courts

## APPENDIX B1 of 3

## IDAHO SUPREME COURT

Clerk of the Courts

PO Box 83720

Boise, Idaho 83720-0101

(208) 334-2210

BENEFICIAL FINANCIAL | Transmittal Document

I INC., |

Plaintiff-Respondent, | Docket No. 46509-2018

v. |

| Madison County

| District Court

| CV-2015-74

MARILYNN THOMASON |

Defendant-Appellant |

Defendant-Appellant, |

and |

The Unknown Heirs, |

Assigns and Devisees |

of BYRON T, MADISON |

COUNTY, IDAHO; JOHN |

BAGLEY, TERRENCE |

BAGLEY, BEARD ST. |

CLAIR GAFFNEY PA, |

GREG V. THOMASON, |

DIANA THOMASON, |

W. BRENT EAMES, |

LIBERTY PARK |

IRRIGATIONS CO, |

RIGBY, ANDRUS &amp; |

APPENDIX B2 of 3

|                        |  |
|------------------------|--|
| RIGBY CHARTERED,       |  |
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |
| <hr/>                  |  |

The enclosed document(s) to the above-entitled case  
is/are forwarded for you information.

Dated 01/22/2020

For the Court:  
Karel A. Lehrman  
Clerk of the Courts

APPENDIX B3 of 3

cc:

MARILYNN T. THOMASON  
2184 Channing Way  
Box 251  
Idaho Falls, ID 83404

COUNSEL OF RECORD - VIA EMAIL  
DISTRICT COURT CLERK - VIA EMAIL  
DISTRICT COURT JUDGE - VIA EMAIL

## APPENDIX C1 of 3

## IDAHO SUPREME COURT

Clerk of the Courts

PO Box 83720

Boise, Idaho 83720-0101

(208) 334-2210

BENEFICIAL FINANCIAL | Appellant Brief Due

I INC., |

Plaintiff-Respondent, |

Docket No. 46509-2018

v. |

Madison County

District Court

CV-2015-74

MARILYNN THOMASON |

Defendant-Appellant |

Defendant-Appellant, |

and |

The Unknown Heirs, |

Assigns and Devisees |

of BYRON T, MADISON |

COUNTY, IDAHO; JOHN |

BAGLEY, TERRENCE |

BAGLEY, BEARD ST. |

CLAIR GAFFNEY PA, |

GREG V. THOMASON, |

DIANA THOMASON, |

W. BRENT EAMES, |

LIBERTY PARK |

IRRIGATIONS CO, |

## APPENDIX C2 of 3

|                        |  |
|------------------------|--|
| RIGBY, ANDRUS &        |  |
| RIGBY CHARTERED,       |  |
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |
| _____                  |  |

Be advised, the following was filed in this office on January 21, 2020 on behalf of Appellant. Name of Document Filed: Extension of Time For Filing Opening Brief.

**This appeal is SUSPENDED for a ruling on Appellant's Extension of Time for Filing Opening Brief.**

For the Court:  
Karel A. Lehrman  
Clerk of the Courts

APPENDIX C3 of 3

cc:

MARILYNN T. THOMASON  
2184 Channing Way  
Box 251  
Idaho Falls, ID 83404

COUNSEL OF RECORD - VIA EMAIL  
DISTRICT COURT CLERK - VIA EMAIL

## APPENDIX D1 of 5

## IDAHO SUPREME COURT

Clerk of the Courts

PO Box 83720

Boise, Idaho 83720-0101

(208) 334-2210

|                       |                       |
|-----------------------|-----------------------|
| BENEFICIAL FINANCIAL  | Transmittal of        |
| I INC.,               | Document              |
| Plaintiff-Respondent, | Docket No. 46509-2018 |
|                       |                       |
| v.                    | Madison County        |
|                       | District Court        |
|                       | CV-2015-74            |
| MARILYNN THOMASON     |                       |
| Defendant-Appellant   |                       |
| Defendant-Appellant,  |                       |
| and                   |                       |
| The Unknown Heirs,    |                       |
| Assigns and Devisees  |                       |
| of BYRON T, MADISON   |                       |
| COUNTY, IDAHO; JOHN   |                       |
| BAGLEY, TERRENCE      |                       |
| BAGLEY, BEARD ST.     |                       |
| CLAIR GAFFNEY PA,     |                       |
| GREG V. THOMASON,     |                       |
| DIANA THOMASON,       |                       |
| W. BRENT EAMES,       |                       |
| LIBERTY PARK          |                       |
| IRRIGATIONS CO,       |                       |
| RIGBY, ANDRUS &       |                       |

## APPENDIX D2 of 5

RIGBY CHARTERED, |  
ABUNDANT LAND |  
HOLDINGS, LLC, |  
THOMAS C. LUTHY, |  
LAURA B. LUTHY, |  
FORSBERG LAW |  
OFFICES, CHTD, |  
R. SAM HOPKINS, |  
and DOES 1 through 20, |  
Defendants. |

---

The enclosed document(s) relating to the above-entitled case is/are forwarded for your information.  
Order Granting Third Motion for Extension of Time.  
Appellant's Brief Due: May 15, 2020  
Dated 04/21/2020

For the Court:  
Karel A. Lehrman  
Clerk of the Courts

cc: COUNSEL OF RECORD VIA EMAIL

MARILYNN THOMASON  
2184 Channing Way  
Box 251  
Idaho Falls, Idaho 83404

## APPENDIX D3 of 5

## In the Supreme Court of the State of Idaho

|                       |                       |
|-----------------------|-----------------------|
| BENEFICIAL FINANCIAL  | Order Granting Third  |
| I INC.,               | Motion for Extension  |
|                       | of Time               |
|                       |                       |
| Plaintiff-Respondent, | Supreme Court         |
|                       | Docket No. 46509-2018 |
|                       |                       |
| v.                    | Madison County        |
|                       | District Court        |
|                       | CV-2015-74            |
| MARILYNN THOMASON     |                       |
| Defendant-Appellant   |                       |
| Defendant-Appellant,  |                       |
| and                   |                       |
| The Unknown Heirs,    |                       |
| Assigns and Devisees  |                       |
| of BYRON T, MADISON   |                       |
| COUNTY, IDAHO; JOHN   |                       |
| BAGLEY, TERRENCE      |                       |
| BAGLEY, BEARD ST.     |                       |
| CLAIR GAFFNEY PA,     |                       |
| GREG V. THOMASON,     |                       |
| DIANA THOMASON,       |                       |
| W. BRENT EAMES,       |                       |
| LIBERTY PARK          |                       |
| IRRIGATIONS CO,       |                       |

## APPENDIX D4 of 5

|                        |  |
|------------------------|--|
| RIGBY, ANDRUS &        |  |
| RIGBY CHARTERED,       |  |
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |

---

An Order Re: Thomason Second Motion I.A.R. Rules 34(d) Extension to file was entered by this Court on March 6, 2020, granting Appellant an extension of thirty-five (35) days to file the Appellant's Brief and denying any additional relief. Thereafter, THOMASON's THIRD Motion: I.A.R. Rules 34(d) EXTENSION TO FILE was filed by Appellant on April 8, 2020. Therefore, after due consideration,

Having reviewed Appellant's document entitled THOMASON's THIRD MOTION: I.A.R. Rule 34(d) EXTENSION TO FILE, the Court ORDERS as follows:

1. The request for a third extension of time for filing brief is GRANTED. Appellant is granted one final extension of thirty-five (35) days to file Appellant's Brief.

ORDER GRANTING THIRD MOTION FOR EXTENSION OF TIME – Docket No. 46509-2018

APPENDIX D5 of 5

2.) To the extent Appellant's request seeks any additional relief, the motion is DENIED.

Dated April 21<sup>st</sup>, 2020

By Order of the Supreme Court

G. Richard Bevan, Justice

ATTEST:

Karel A. Lehman, Clerk

ORDER GRANTING THIRD MOTION FOR  
EXTENSION OF TIME – Docket No. 46509-2018

## APPENDIX E1 of 3

## In the Supreme Court of the State of Idaho

|                      |                         |
|----------------------|-------------------------|
| BENEFICIAL FINANCIAL | Order Denying           |
| I INC.,              | Appellant's Motion to   |
|                      | Compel and Stay of      |
| Plaintiff-Respondent | I.C.C. Order for Filing |
|                      | Opening Brief           |
|                      |                         |
| v.                   | Supreme Court           |
|                      | Docket No. 46509-2018   |
|                      |                         |
|                      | Madison County          |
|                      | District Court          |
|                      | CV-2015-74              |
| MARILYNN THOMASON    |                         |
| Defendant-Appellant  |                         |
| Defendant-Appellant, |                         |
| and                  |                         |
| The Unknown Heirs,   |                         |
| Assigns and Devisees |                         |
| of BYRON T, MADISON  |                         |
| COUNTY, IDAHO; JOHN  |                         |
| BAGLEY, TERRENCE     |                         |
| BAGLEY, BEARD ST.    |                         |
| CLAIR GAFFNEY PA,    |                         |
| GREG V. THOMASON,    |                         |
| DIANA THOMASON,      |                         |
| W. BRENT EAMES,      |                         |

## APPENDIX E2 of 3

|                        |  |
|------------------------|--|
| LIBERTY PARK           |  |
| IRRIGATIONS CO,        |  |
| RIGBY, ANDRUS &        |  |
| RIGBY CHARTERED,       |  |
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |

---

APPELLANT's MOTION TO COMPEL and STAY OF I.S.C. ORDER FOR FILING OPENING BRIEF as filed by Appellant on May 15, 2020. Therefore, after due consideration;

IT IS HEREBY ORDERED THAT APPELLANT'S MOTION TO COMPEL AND STAY OF I.S.C. ORDER FOR FILING OPENING BRIEF be, and is hereby, DENIED. Appellant's Opening Brief shall be filed on or before June 12, 2020, or the appeal will be dismissed.

Dated 06/03/2020

By Order of the Supreme Court  
Roger S. Burdick

APPENDIX E3 of 3  
Chief Justice

ATTEST:

Karel A. Lehrman  
Clerk of the Court

## APPENDIX F1 of 3

In the Supreme Court of the State of Idaho

|                       |                        |
|-----------------------|------------------------|
| BENEFICIAL FINANCIAL  | Order Denying          |
| I INC.,               | Appellant's Motion and |
|                       | Dismissing Appeal      |
| Plaintiff-Respondent, | Supreme Court          |
|                       | Docket No. 46509-2018  |
|                       |                        |
| v.                    | Madison County         |
|                       | District Court         |
|                       | CV-2015-74             |
| MARILYNN THOMASON     |                        |
| Defendant-Appellant   |                        |
| Defendant-Appellant,  |                        |
| and                   |                        |
| The Unknown Heirs,    |                        |
| Assigns and Devisees  |                        |
| of BYRON T, MADISON   |                        |
| COUNTY, IDAHO; JOHN   |                        |
| BAGLEY, TERRENCE      |                        |
| BAGLEY, BEARD ST.     |                        |
| CLAIR GAFFNEY PA,     |                        |
| GREG V. THOMASON,     |                        |
| DIANA THOMASON,       |                        |
| W. BRENT EAMES,       |                        |
| LIBERTY PARK          |                        |
| IRRIGATIONS CO,       |                        |
| RIGBY, ANDRUS &       |                        |
| RIGBY CHARTERED,      |                        |

## APPENDIX F2 of 3

|                        |  |
|------------------------|--|
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |

---

An Order Denying Appellant's Motion to Compel and Stay of I.S.C. Order for filing Opening Brief was entered by this Court on June 3, 2020, stating the Appellant's Brief shall be filed on or before June 12, 2020, or the appeal would be dismissed without further notice. A MOTION FOR RECONSIDERAION was filed by Appellant on June 11, 2020. Therefore, after consideration,

IT IS HEREBY ORDERED THAT Appellant's MOTION FOR RECONSIDERATION be, and is hereby DENIED.

IT IS FURTHER ORDERED that this Appeal be, and is hereby, DISMISSED, as the Appellant's Brief has not been filed.

Dated this 22 day of June, 2020

By Order of the Supreme Court

APPENDIX F3 of 3

Roger S. Burdick  
Chief Justice

ATTEST:  
Melanie Gagnepain  
Clerk of the Courts

**APPENDIX F4**

In the Supreme Court of the State of Idaho

|                       |                        |
|-----------------------|------------------------|
| BENEFICIAL FINANCIAL  | Order Denying          |
| I INC.,               | Appellant's Motion for |
|                       | Reconsideration        |
| Plaintiff-Respondent, | Supreme Court          |
|                       | Docket No. 46509-2018  |
|                       |                        |
| v.                    | Madison County         |
|                       | District Court         |
|                       | CV-2015-74             |
| MARILYNN THOMASON     |                        |
| Defendant-Appellant   |                        |
| Defendant-Appellant,  |                        |
| and                   |                        |
| The Unknown Heirs,    |                        |
| Assigns and Devisees  |                        |
| of BYRON T, MADISON   |                        |
| COUNTY, IDAHO; JOHN   |                        |
| BAGLEY, TERRENCE      |                        |
| BAGLEY, BEARD ST.     |                        |
| CLAIR GAFFNEY PA,     |                        |
| GREG V. THOMASON,     |                        |
| DIANA THOMASON,       |                        |
| W. BRENT EAMES,       |                        |
| LIBERTY PARK          |                        |
| IRRIGATIONS CO,       |                        |
| RIGBY, ANDRUS &       |                        |
| RIGBY CHARTERED,      |                        |

**APPENDIX F5**

|                        |  |
|------------------------|--|
| ABUNDANT LAND          |  |
| HOLDINGS, LLC,         |  |
| THOMAS C. LUTHY,       |  |
| LAURA B. LUTHY,        |  |
| FORSBERG LAW           |  |
| OFFICES, CHTD,         |  |
| R. SAM HOPKINS,        |  |
| and DOES 1 through 20, |  |
| Defendants.            |  |

---

**An Order Denying Appellant's Motion and Dismissing Appeal was entered by this Court on June 22, 2020. A MOTION FOR RECONSIDERATION was filed by Appellant on July 10, 2020; and a SUPPRTING BRIEF was filed by Appellant on July 22, 2020. Therefore, after due consideration,**

**IT IS HEREBY ORDERED THAT Appellant's MOTION FOR RECONSIDERATIN be, and is hereby DENIED.**

**IT IS FURTHER ORDERED that this Appeal remains DISMISSED.**

**DATED this 23 day of July, 2020.**

**By Order of the Supreme Court**

**Roger Burdick  
Chief Justice**

**Attest:  
Melanie Gagnepain  
Clerk of the Courts**

## APPENDIX G1 of 17

MARILYNN THOMASON, pro-se  
 2184 Channing Way, Box 251  
 Idaho Falls, Idaho, 83404  
 208-419-5638

## IDAHO SUPREME COURT

From

IN THE DISTRICT COURT OF THE SEVENTH  
 JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
 IN AND FOR THE COUNTY OF MADISON

---

|                         |                            |
|-------------------------|----------------------------|
| BENEFICIAL FINANCIAL )  | Idaho Supreme Court        |
| I INC., )               |                            |
| Plaintiff-Respondent, ) | Appeal Number:             |
|                         | Docket No. (Appeal No.     |
|                         | 46509-2018                 |
| v. )                    | Madison County             |
|                         | District Court             |
|                         | No. CV-2015-74             |
| MARILYNN THOMASON, )    |                            |
| Non Served Named )      | THOMASON'S                 |
| Defendant, )            | MOTIONS'                   |
| APPELLANT )             | SUPPORTING                 |
| And )                   | BRIEF, AFFIDAVIT           |
| The Unknown Heirs, )    | AND PROPOSED               |
| Assigns and Devisees )  | ORDER                      |
| of BYRON T, MADISON )   | I.A.R. Rule 28(a), (b),    |
| COUNTY, IDAHO; JOHN )   | (c), (e), (f), (g)(1), (h) |
| BAGLEY, TERRENCE )      |                            |

## APPENDIX G2 of 17

|                            |                          |
|----------------------------|--------------------------|
| BAGLEY, BEARD ST.          | ) OBJECTION TO           |
| CLAIR GAFFNEY PA,          | ) SERVED R.O.A.          |
| GREG V. THOMASON,          | ) (and)                  |
| DIANA THOMASON,            | ) I.R.C.P. Rule 11       |
| W. BRENT EAMES,            | ) SANCTION               |
| LIBERTY PARK               | ) AGAINST                |
| IRRIGATIONS CO,            | ) Attorney Lewis N.      |
| RIGBY, ANDRUS &            | ) Stoddard and Law       |
| RIGBY CHARTERED,           | ) Firm                   |
| ABUNDANT LAND              | )                        |
| HOLDINGS, LLC,             | ) ORAL ARGUMENT          |
| THOMAS C. LUTHY,           | ) REQUESTED              |
| LAURA B. LUTHY,            | )                        |
| FORSBERG LAW               | ) (Trial By Jury Action) |
| OFFICES, CHTD,             | )                        |
| R. SAM HOPKINS,            | )                        |
| and DOES 1 – 20            | )                        |
| Defendants. <sup>(1)</sup> | )                        |
| _____                      | )                        |

(1) Defendant names have been incorrectly listed as parties by the Idaho Supreme Court on 12/20/2018 and under Deputy A.G. Brian V. Church (CHURCH)'s documents created jointly by the Idaho Attorney General - Lawrence G. Wasden - Chief of Civil Litigation, Steven L. Olsen and (CHURCH) on Saturday, January 12, 2019, (*Judicial Notice: Appellant's filing dated January 25, 2019 with attached EX C.1-16: Thomason's Objections and Denials to Deputy A.G. Brian Church's January 12, 2019 Motion-Memo, etc.*) and on the 20<sup>th</sup> of March,

## APPENDIX G3 of 17

2019 Attorney Stoddard furthers the fraud upon the G1 of court when Attorney Stoddard fraudulent attempt to change the title page Plaintiff name from Beneficial Financial I. Inc. to John Patrick Grayken dba LSF10 Master Participation Trust.

## SUPPORTING BRIEF

## I. OBJECTION TO COURT CLERK'S SERVED R.O.A.

(Thomason) filed the first of five timely notice of appeal nearly seventeen (17) months ago which included not only a specific list of each document required and requested but complete copies (bound) with the timely notice of appeal;

The court clerk had a simple and routine job to making copies of the required and requested documents, have the copies indexed, bound and served under I.A.R. 28 and 29, [which, originally, took (Thomason) 4 hours, which included driving 25 miles to have all the copies made, including the multiple sets sent to the Idaho Supreme Court, have every volume bound and packaged for shipment] the court clerk originally requested two (2) times for an extension to have the clerk's records prepare, which per the certificate of compliance evidences it was done not by the person the Idaho Supreme Court ordered to have the clerk's records prepared, but was done by an unidentified person for and in behalf of the court clerk;

The following objections, requests for correction, deletions and oral arguments for removal of documents and/or correction of documents from the

## APPENDIX G4 of 17

served R.O.A. are based and allowed under the *I.A.R. Rule 28(a), (b), (c), (e), (f), (g)(1) and (h) (inter alia auctoritate, statuta et praecepta)*;

The appeal pending before the Idaho Supreme Court under appeal no. 46509-18 is a direct appeal for an administrative action under *I.C.A.R. Rule 59*, which solely involves (THOMASON), Lewis N. Stoddard and his law firm, former Adm. Judge, Joel Tingey and former District Judge, Gregory Moeller and Judge Boyce;

There still has never been any final nor appealable order, that has been issued with any level of threshold standing and court subject and personal jurisdiction, nor any appealable order that conforms with I.R.C.P. Rule 54(a)(1) judgment and/or ruling/memorandum duly or timely served upon (THOMASON) or filed in this action that is appealable from action CV-2015-74's original alleged complaint, filed on the 12<sup>th</sup> of February, 2015, over five (5) years from when the alleged line of credit, secured by a deed of trust, had been paid in full (December, 2009) from the last demand for payment for all final interest and principle (November 1, 2009 through November 30, 2009) via HSBC – Beneficial, Inc. There was never any duly nor timely recorded transfer of any alleged interest from HSBC and/or Beneficial, Inc. at any time, including through 2018;

There is only one possible action that could have been deemed an appealable action and that was the sole stipulation between original named plaintiff and the law firm of Rigby, Thatcher, Rigby for their alleged client, Liberty Park Irrigation CO. of which

## APPENDIX G5 of 17

(THOMASON) nor anyone else was party to, of which no appeal has been taken by either party;

The district court has lacked any and all subject matter jurisdiction to entertain any acting under the alleged original February 12, 2015 action, CV-2015-74, for the lower district court action is a feigned action that is barred by the *Idaho Constitution Article V. Section 1 [Judicial Notice: Thomason July 16, 2018 Objection pp. 20-25]* and further barred by *Idaho Statutes of Limitation [Judicial Notice: Thomason's July 6, 2015 Motion – Memorandum pp. 34-39]*.

However under the I.C.A.R. 59 action which occurred only after (Thomason) had evidence to the court that Attorney Stoddard and his law firm were filing documents with the court that were materially and fraudulently different from what Attorney Stoddard and his law firm were delivering to (Thomason) within the CV-2015-74 action, the I.C.A.R. 59 action/appeal resulted by direct actions by Attorney Stoddard, former district judge, Gregory Moeller and Administrative Judge Joel Tingey, which this court has authority to entertain (THOMASON)'s motion for correction of court clerk's R.O.A. and to entertain (THOMASON)'s motion for sanctions against Attorney Lewis N. Stoddard and his stated law firm and other(s), under I.R.C.P. Rule 11 for frivolous filings from the time of appeal until this filing and I.C.A.R. 59;

The Idaho Supreme Court ordered the district court clerk, Angie Wood to prepare the required clerk's records, of which falls under I.A.R. 28 and 29 of which has not been done, however on December

## APPENDIX G6 of 17

13<sup>th</sup>, 2019 at approx. 02:12 PM (MST), Clerk Angie Wood informed me she had prepared the appeal records to the specific instruction she had been given, which do not, as the first appeal records evidence, conform to Idaho Appellate Rules 28 and 29, which are not;

The court clerk sent to (Thomason) a box [tracking number 9114902307224588263349] of loose papers totaling (632) six hundred and thirty-two pages of which (2) two pages [page 492 and 493] have page numbers that are not the same type setting as the remaining 630 pages, in addition to the first appeal records that had three blank pages on both sides, (6) six pages were not numbered and (1,029) one thousand twenty nine pages were miss numbered and out of sequence, in direct violation of *I.A.R. 28(f)* “...clerk’s...records shall be inserted chronologically...by date...numbered consecutively at the bottom of the page. The numbering shall include every page included in the record even if it was not a filed document, such as the title page, the table of contents, the index, and the registers of action. Each volume...shall contain no more than 200 pages...”;

The clerk further violated *I.A.R. 28(e)* by delivering all (1,032) plus the additional 632 pages in a loose format when *I.A.R. 28(e)* requires all the clerk’s court records be bound in 65 pound or greater paper stock at the top edge of the documents so to allow to be laid open flat. *I.A.R. 28(e)* “Cover of Record. The clerk’s...record shall be bound with a cover of 65 pound paper stock or heavier...fastened at the top edge so as to open as flatly as possible.”;

## APPENDIX G7 of 17

EX A.9 evidences (THOMASON) solely requested the cover page of filing 03/30/2015 and 03/16/2015 so to evidence that the March 16, 2015 (Thomason') Notice of Removal to Federal Court Jurisdiction and March 30, 2015 Third Party Complaint solely fell under Federal Jurisdiction, and was never under the 7<sup>th</sup> Judicial District Court-Madison County, Idaho Jurisdiction and to evidence that the R.O.A.'s had been fraudulently altered after the fact within the court system;

Not only is there no included index of the court records in this current second appeal court records, the delivered clerk's record is void of the required reference to the electronic documents to the hardcopy clerk's records, as required under I.A.R. 28(g)(1) that references each document in any electronic filed records directly to the hardcopy records. *I.A.R. 28(a) and (a)(1), (2) Table of Contents and Index of Record-Electronic Bookmarks. (1) Hard Copy Record. Each volume of the clerk's...shall contain a chronological table of contents of the documents included in the entire record and shall have an alphabetical index indicating the volume and page where each pleading, document of or paper may be found...(2)...An electronic clerk's ...record shall contain electronic book marks that links to each document in the electronic record."*

Failing to have electronic file references to the hardcopy clerk's records opens the appeal proceeding to a level of fraud that would undermine the entire appellate proceedings and give an avenue in legal proceeding that allow parties and their legal counsels to conceal deliberate acts of fraud upon the court by

## APPENDIX G8 of 17

filing with the court documents that do not match documents served upon opposing parties and their legal counsel, especially seeing the electronic records work off a specific identification address which a person/legal counsel is directed to and by just adding a single "period" or any other character to the address could easily direct one party to a set of electronic documents that appeared to be an identical match to opposing parties, but under a scheme to defraud could easily add and/or alter a document for a specific group of viewers, for example an appellee/legal counsel and the Supreme Court may obtain an address that take the searcher to one set of documents, yet the appellate/legal counsel's address take the searching party to an altered set of documents;

As noted in the first appeal clerk court records, "For example, in this appeal action, the Idaho Attorney General – Deputy Church made a direct reference to an alleged memo/order by his client, former district judge Gregory Moeller, allegedly dated December 31, 2018, which was at no time ever served upon (Thomason) and even the clerk's records, some 90 days later and the R.O.A. are void of any such alleged December 31, 2018 memo/order, hence the motion for sanctions, sua sponte, by (Thomason) against Deputy Church for frivolous and fraudulent filings in this appeal under I.C.P. R. Rule 11";

When (Thomason) filed her notice of appeal (Thomason) also filed bound copies, in four (4) volumes with each and every document necessary for the appeal and without any filing by anyone else, the clerk added (349) three hundred forty nine pages to the clerk's records in direct violation to I.A.R. 19(c)

## APPENDIX G9 of 17

[Request for additional documents by motion.] and 19(e) [Sanctions against whomever attempted add to the appellant's requested documents without proper notice and required motion under I.A.R. 19(c) "*I.A.R. 19(e) Sanctions. If the court concludes that a party or attorney has vexatiously or unreasonable increased the cost of litigation by inclusion of irrelevant material the court may deny that portion...and/or impose monetary sanctions...*";

Attorney Stoddard and his law firm have repeatedly attempted to illegally file unauthenticated and non-adjudicated documents, under bogus judicial notices with this and other courts, as did the Idaho Attorney General for and in behalf of their clients, including their current client, former judge Gregory Moeller, of which every court has declined to judicially notice, including the former district judge, Gregory Moeller;

(Thomason's) appeal requests, since 2018 beginning with I.C.A.R. 59 judgment, without any index to substantiate what records have been submitted to THOMASON vs. other parties and the Idaho Supreme Court would be detrimental to THOMASON's appeals seeing the clerk and other parties could easily substitute documents, one group of document to THOMASON to rely on and a complete different set of documents other parties and the Idaho Supreme Court would rely on, creating an avenue for fraud upon the court, of which THOMASON has undisputedly evidenced in this action that not only was the Plaintiff's attorney filing one set of documents with the court, which the court relied upon, and a complete different set of documents that

## APPENDIX G10 of 17

THOMASON was relying, which Judge Moeller also did when he alleged that he was relying on the testimony in the I.C.A.R. 59 action of a person who died some 4 years before the action occurred and at no time ever testified with regards to the issues in this action:

Upon the upcoming hearing and in addition to the first 1032 documents that the clerk of the court delivered in this appeal action, actual page number 54-532 clerk's number page numbers 48-547, are (499) four hundred ninety-nine pages that strictly fall under a Federal action never merged with civil action CV-20015-74 of which records filed under "Notice of Removal to Federal Court Jurisdiction" had been wrongfully and for an improper purpose been added by the clerk of the court in violation of I.A.R. 19(c) for and in behalf of opposing counsel, Attorney Stoddard, without any request nor duly filed motion, knowing the 499 pages are not nor have ever been relevant to the original action CV-2015-74 or this pending appeal but include in part Attorney Stoddard's and his law firms attempt to an illegal judicial notice (clerk's record pages 149-208) and a copy of a federal complaint (clerk's record pages 48-547) which the court must order to have removed from the appeal clerk's records and have sanctions imposed either against the court's clerk and/or opposing party and its appearing attorney Stoddard and law firm in the amount that would deter such abuse and fraudulent actions in a judicial procedure, which under the reported annual revenue of Attorney Stoddard's law firm should be equivalent in nature, for example if the law firm grosses one million dollars per month,

## APPENDIX G11 of 17

(\$32,786.00 per diem) and the delay cause by the improper inclusion of the 499 pages, plus hearing, re-compiling clerk's record and additional 28 days to review and file any necessary objections to a second attempt at a correct clerk's records totals 70 days in delays for a sanction of \$2,295,020.00 (two million two hundred ninety-five thousand twenty United States current currency) of which the court has discretion to sanction for and in behalf of the Great State of Idaho's Judicial system and a minimum to cover direct costs of \$148.25 payable to (Thomason) for having to file this objection and motion for sanctions, especially seeing the fraud upon the court was deliberately construed to deceive the court, make a mockery of the judicial procedures and show a blatant contempt for the robe, when clerk's record page 148 ends on a federal filing by (Thomason) and clerk's record 149 is a federal filing by Attorney Stoddard law firm which the court clerk deliberately left out page one (1) of their filing which was a rejected and denied attempt for a fraudulent judicial notice that Attorney Stoddard's law firm solely filed in a Federal Action not connected with the CV-2015-74 action;

The court clerk should also be sanctioned under appropriate administrative rules, as the court deems necessary to prevent any such disregard for the direct order given by the Idaho Supreme Court to prepare a true and correct clerk's record, in a specific time and under I.A.R. Rule 28 as well as Rule 29 requirements;

Upon the court clerk correcting the additional records sent on December 13, 2019, received on December 14, 2019, [which evidences it does not take 12 days for THOMASON to receive mail from the

## APPENDIX G12 of 17

clerk, as THOMASON has evidenced mail being in-house post marked, which was received almost 14 days later and the USPS evidences the parcel/letter did not enter into their system some 11 days after the clerk's in-house post mark] THOMASON reserves the legal right to amend this NOTICE of OBJECTION of CLERK RECORDS upon finding any additional errors in what THOMASON had requested in each of her appeals beginning in 2018 and ending in 2019;

The court must review further and order to have the clerk's records corrected to include the true and correct filings by (Thomason) including:

July 6, 2015 63 pages (EX A.8-9 reference pages 614-676) of which the clerk of the court only included 7 pages;

Sept. 1, 2015 22 pages (EX A. 7 reference pages 524-545) of which the clerk of the court only included 21 pages;

Oct. 6, 2015 50 pages (EX A. 7 reference pages 438-487) of which the clerk of the court only included 37 pages;

June 9, 2016 5 pages (EX A.6 reference pages 433-437) of which the clerk of the court only included NOTHING;

Nov. 17, 2017 10 pages (EX A.6 reference pages 408-417) of which the clerk of the court only included NOTHING;

Feb. 28, 2018 22 pages (EX. A.6 reference pages 355-376) of which the clerk of the court only included 18 pages;

## APPENDIX G13 of 17

July 9, 2018 11 pages (EX. A.5 reference pages 290-300) of which the clerk of the court only included NOTHING;

Aug. 1, 2018 67 pages (EX. A.4 reference pages 198-264) of which the clerk of the court only included 51 pages;

Aug. 6, 2018 10 pages (EX. A.4 reference pages 188-197) of which the clerk of the court included 15 pages;

Aug. 28, 2018 32 pages (EX. A.3 reference pages 111-113, 138-140) of which the clerk of the court only included 3 pages;

Sept. 12, 2018 24 pages (EX. A.3 reference pages 114-137) of which the clerk of the court included 25 pages;

Sept. 27, 2018 610 pages (EX. A.3 reference pages 69-678) of which the clerk of the court references 7 pages and only included 466 of the 610 pages of (Thomason) requested;

ADDITIONALLY nowhere in the documents delivered to (Thomason) was there any alleged December 31, 2018 alleged memo/order alleged by legal counsel for former Judge Gregory Moeller which Deputy Attorney General Church claimed existed, not even on any R.O.A. on December 31, 2018 or as of this filing;

(Thomason) reserves the right to further review for court clerk errors once the missing documents requested by (Thomason) have been included in the clerk's records (AND)

(Thomason) reserves the right to further review the new court clerk records after the 499 bogus

## APPENDIX G14 of 17

documents are removed from the court clerk's records and the records conform with I.A.R. 28, including the required reference to any and all electronic records;

## II. PRAYERS

(Thomason) respectfully request the court to:

ORDER the court clerk to correct the Clerk's Records as detailed above and in conformance to I.A.R. 28 and 29;

ORDER the court clerk to comply within 14 days;

ORDER the court clerk to reimburse (Thomason) for the added cost incurred to object to the court clerk's first appeal records, in the amount of \$543.05;

GRANT (Thomason)'s pending motion for sua sponte SANCTIONS against Deputy Attorney General – Church;

GRANT (Thomason)'s sua sponte motion for SANCTIONS against Attorney Stoddard and his law firm for fraudulently inserting into appeal records their repeated and failed attempts for judicial notice, as noted above;

GRANT any and all other relief that the court deems necessary and proper to preserve justice against the court clerk, legal counsel Lewis Stoddard and his law firm and Deputy Attorney General – Church;

January 20, 2019

Marilynn Thomason

(Note: Filed motions and supporting affidavit and notice of service are within original filings and in original exhibits and will be produced upon request during this action for Writ)

///End of 20 page 5,265 word Document///

APPENDIX G15 of 17

PROPOSED 2 page ORDER FOLLOWS THIS PAGE

**PROPOSED ORDER**

IT IS HEREBY ORDERED, for good cause,  
WITHIN fourteen (14) days from this ORDER:

The 7<sup>th</sup> District Court in Madison County, Idaho's clerk, Angie Wood, shall correct the Clerk's Records of Appeal to conform to the requested documents noted in the appeal notice 4 volume Record of Excerpts;

The 7<sup>th</sup> District Court in Madison County, Idaho's clerk, Angie Wood, shall remove from the Clerk's Records of Appeal any document that was not specifically requested in the appeal notice 4 volume Record of Excerpts and the needed 3 additional Record of Excerpts;

The 7<sup>th</sup> District Court in Madison County, Idaho's clerk, Angie Wood, shall personally ensure the clerk records are in conformance to I.A.R. Rules 28 and 29, to the fullest extent;

The 7<sup>th</sup> District Court in Madison County, Idaho's clerk, Angie Wood, shall have the correct clerk court records sent, by certified mail to the mailing address of appellant, Marilynn Thomason;

The 7<sup>th</sup> District Court in Madison County, Idaho's clerk, Angie Wood, shall personally reimburse by certified check, payable to Marilynn Thomason in the amount of \$543.05 for the added cost to object to the court clerk's first appeal records;

GRANT (Thomason)'s pending motion  
(January 25, 2019) for sua sponte SANCTIONS

## APPENDIX G16 of 17

against Deputy Attorney General – Church, in the amount of \$245.24 by certified check payable to Marilyn Thomason for added cost to these proceedings, in violation to I.R.C.P. Rule 11;

GRANT (Thomason)'s pending motion (January 25, 2019) for sua sponte SANCTIONS against Deputy Attorney General – Church, in the amount of \$25,000.00 for frivolous and malicious behavior payable to the Great State of Idaho – Judicial Division and/or judicial misconduct proceedings before the Idaho Judicial Board of Review;

GRANT (Thomason)'s sua sponte motion for SANCTIONS in the amount of \$2,500.00 payable to Marilyn Thomason against Attorney Stoddard and his law firm for the malicious and fraudulent insertion of their repeated and failed attempts for judicial notice, via the court clerk;

GRANT (Thomason)'s sua sponte motion for SANCTIONS in the amount of \$2,295,020.00 payable to the Great State of Idaho – Judicial Division and/or judicial misconduct proceedings before the Idaho Judicial Board of Review against Attorney Stoddard and his law firm for their fraudulently inserted repeated and failed attempts for judicial notice into the appeal court records, via the aid of the court clerk and/or judicial misconduct proceedings before the Idaho Judicial Board of Review, seeking permanent disbarment from any legal practice within the Great State of Idaho;

GRANT any and all other relief against the court clerk, legal counsel Lewis Stoddard and his law firm and Deputy Attorney General – Church that the

APPENDIX G17 of 17

court deems necessary and proper to preserve justice  
and the integrity of the judicial machinery within the  
Great State of Idaho;

DATED this \_\_\_\_\_, 2020.

\_\_\_\_\_  
Presiding District Judge

## APPENDIX H1 of 6

### **I.A.R. 28 Preparation of clerk's or agency's record - Content and arrangement**

Idaho Appellate Rule 28. Preparation of Clerk's or Agency's Record - Content and Arrangement.

(a) Designation of Record. Parties are responsible for designating the documents which will comprise the clerk's record on appeal. The standard record described in subsection (b) is not designed to include many items i.e., motions for summary judgment, affidavits, jury instructions, etc.) which may be pertinent to the appeal in a specific case. Parties are encouraged to designate a clerk's or agency's record more limited than the standard record.

(b) Content - Standard Record. The clerk's or agency's record shall automatically include the following pleadings and documents, including the following pleadings and documents filed in the magistrates division:

(1) In civil cases and proceedings, unless limited by designation in the notice of appeal or amended notice of appeal:

A. Register of actions.

B. Any order sealing all or any portion of the record.

C. The original and any amended complaint or petition.

APPENDIX H2 of 6

D. The original and any amended answer or response to the complaint or petition.

E. The original and any amended counterclaim, third party claim, or cross-claim.

F. The original and any amended answer or response to a counterclaim.

G. The jury verdict rendered in a jury trial.

H. The findings of fact and conclusions of law and any memorandum decision entered by the court.

I. All judgments and decrees.

J. A list of all exhibits offered, whether or not admitted.

K. Notice of appeal and cross-appeal.

L. Any request for additional reporter's transcript or clerk's record.

M. A court reporter's notice of lodging with the district court.

N. Table of contents and index, which shall be placed at the beginning of each volume of the record...

(3) In administrative proceedings:

A. Any order sealing all or any portion of the record.

APPENDIX H3 of 6

B. Any original or amended complaint, petition, application or other initial pleading.

C. Any answer or response thereto.

D. All documents relating to an application or petition to intervene.

E. Any protest or other oppositions filed by a party.

F. Certificate listing A list of all exhibits offered, whether or not admitted.

G. The findings of fact and conclusions of law made by a referee or a hearing officer.

H. The findings of fact and conclusions of law, or if none, any memorandum decision entered by the agency.

I. The final decision, order or award.

J. Petitions for rehearing or reconsideration or orders thereon.

K. Notice of appeal and any notice of cross appeal.

L. Any request for additional reporter's transcript or agency's record.

M. Table of contents and index.

## APPENDIX H4 of 6

Additional Documents. The clerk's or agency's record shall also include all additional documents requested by any party in the notice of appeal, notice of cross-appeal and requests for additional documents in the record. Any party may request any written document filed or lodged with the district court or agency to be included in the clerk's or agency's record including, but not limited to, written requested jury instructions, written jury instructions given by the court, depositions, briefs, statements or affidavits considered by the court or administrative agency in the trial of the action or proceeding, or considered on any motion made therein, and memorandum opinions or decisions of a court or administrative agency.

(d) Preparation of Record. The clerk shall prepare the record on paper by making clearly and distinctly legible photocopies or other reproductions of all documents included in the record. The clerk shall type or have typed any document which cannot be reproduced in a distinctly legible form.

(e) Cover of Record. The clerk's or agency's record shall be bound with a cover of 65 pound paper stock or heavier material and shall not have a plastic or acetate cover. The record shall be fastened at the top edge so as to open as flatly as possible.

(f) Arrangement and Numbering. All pleadings, documents, and papers required to be in the clerk's

## APPENDIX H5 of 6

or agency's record shall be inserted chronologically as indicated by the date of filing. Each page of the clerk's or agency's record shall be numbered consecutively at the bottom of the page. The numbering shall include every page included in the record even if it was not a filed document, such as the title page, the table of contents, the index, and the register of actions. Each volume of the clerk's or agency's record shall contain no more than 200 pages unless the record can be completed in 250 pages.

(g) Table of Contents and Index of Record-Electronic Bookmarks.

(1) Hard Copy Record. Each volume of the clerk's or agency's record shall contain a chronological table of contents of the documents included in the entire record and shall have an alphabetical index indicating the volume and page where each pleading, document or paper may be found.

(2) Electronic Copy of Record. An electronic clerk or agency's record shall contain electronic bookmarks that link to each document in the electronic record.

(h) Certificate of Clerk. The clerk of the court or administrative agency shall certify at the end of the record, that the record contains true and correct copies of all pleadings, documents and papers designated to be included in the clerk's or agency's record by Rule 28, the notice of appeal, any notice

## APPENDIX H6 of 6

of cross-appeal, and any designation of additional documents to be included in the clerk's or agency's record. The clerk's or agency's record shall also include the certificate required by Rule 31(d).

(i) Certificate of Service. The clerk shall certify in the record, or in the clerk's certificate, the date of service of the record and the transcript on the parties or their counsel.

(Adopted March 25, 1977...amended May 5, 2017, effective July 1, 2017.)

Marilynn Thomason, pro-se  
2164 Channing Way, Box 251  
Idaho Falls, Idaho 83404  
208-419-5638

February 17<sup>th</sup>, 2021

SUPREME COURT OF THE UNITED STATES  
Office of the Clerk  
1 1<sup>st</sup> Street NE  
Washington, DC 20543-0001

ATTEN: Scott S. Harris, Clerk (202-479-3392)

RE: Submitted Amended Petition

Dear Mr. Harris,

Enclosed, please find a re-submitted filing received by SCOTUS on 02/17/2021  
Tracking No: EJ3928873392US:

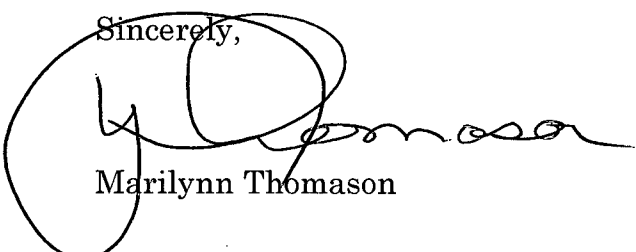
- 1.) The **Amended Petition for Writ of Certiorari** you have graciously permitted to be amended, with the requested Order Denying Reconsideration for jurisdiction requirement, with corresponding correction notations on pp.1, 4, 6, 15, 36.2 and 36.3, in bold print;

After sending SCOTUS its copy, I discovered the printer was set at about 125% instead of 100%, causing the pages noted in '1.)' to be set at the correct format, but magnified at the printer's end.

This re-submission is still within the time frame set by your request and hopefully will not be considered untimely or redundant.

Thank you for your consideration.

Sincerely,



Marilynn Thomason

Enclosures: Resubmitted Amended Petition

