

United States Court of Appeals For the First Circuit

No. 19-1094

IRVING F. ROUNDS, JR.,

Plaintiff - Appellant,

v.

CHARLES KOCH; DAVID KOCH; UNITED STATES DEPARTMENT OF JUSTICE; ROD J. ROSENSTEIN, U.S. Deputy Attorney General; ROBERT MUELLER, Special Counsel and former F.B.I. Director; BOB GOODLATTE, Congressman, Chairman of the DOJ's Oversight Committee,

Defendants - Appellees.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

JUDGMENT

Entered: February 27, 2020

We have reviewed the record and the parties' submissions. We allow the motion of appellees Charles and David Koch for summary disposition, and we affirm the district court's decision of January 8, 2019. The appellant has waived his arguments by failing to provide any developed argumentation or legal authority in support of his position. See United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990). In any event, we would review appellant's claim only under the highly deferential abuse of discretion standard, see Giroux v. Federal Nat'l Mortg. Ass'n, 810 F.3d 103, 106 (1st Cir. 2016); eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388, 391 (2006), and we see no abuse of discretion here.

Affirmed. See 1st Cir. R. 27.0(c). The motion to waive the filing fee is denied as moot. The exhibits to the motions filed on July 15, 2019, and September 9, 2019, are ordered sealed in view of their nature. All other pending motions are denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Irving Franklin Rounds Jr.

Jack Irving Siegal

Mary Beth Murrane

Cynthia A. Young

Donald Campbell Lockhart

Orders on Motions**4:18-cv-40066-TSH Rounds v. Koch et al CASE CLOSED on 06/27/2018****United States District Court****District of Massachusetts****Notice of Electronic Filing**

The following transaction was entered on 1/8/2019 at 12:26 PM EST and filed on 1/8/2019

Case Name: Rounds v. Koch et al**Case Number:** 4:18-cv-40066-TSH**Filer:****WARNING: CASE CLOSED on 06/27/2018****Document Number:** 39(No document attached)**Docket Text:****District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying [32] Motion for Injunctive Relief. (Castles, Martin)****4:18-cv-40066-TSH Notice has been electronically mailed to:**Jack I. Siegal jsiegal@grsm.comMichael P. Burke mburke@grsm.com**4:18-cv-40066-TSH Notice will not be electronically mailed to:**Irving F. Rounds, Jr
P.O. Box 324
Clinton, MA 01510

United States Court of Appeals For the First Circuit

No. 19-1094

IRVING F. ROUNDS, JR.,

Plaintiff - Appellant,

v.

CHARLES KOCH; DAVID KOCH; UNITED STATES DEPARTMENT OF JUSTICE; ROD J. ROSENSTEIN, U.S. Deputy Attorney General; ROBERT MUELLER, Special Counsel and former F.B.I. Director; BOB GOODLATTE, Congressman, Chairman of the DOJ's Oversight Committee,

Defendants - Appellees.

Before

Howard, Chief Judge,
Thompson and Kayatta, Circuit Judges.

ORDER OF COURT

Entered: March 25, 2020

The "motion for reconsideration of judgment" is treated as a petition for panel rehearing, and it is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Irving Franklin Rounds Jr.
Jack Irving Siegal
Mary Beth Murrane
Cynthia A. Young
Donald Campbell Lockhart

01/17/2020	<u>28</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>27</u> Motion for Injunctive Relief. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/17/2020)
01/21/2020	<u>29</u>	MOTION for Interlocutory Appeal by Irving F. Rounds, Jr..(Halley, Taylor) (Entered: 01/21/2020)
01/22/2020	<u>30</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>29</u> Plaintiff's Motion for Interlocutory Appeal. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/22/2020)
01/24/2020	<u>31</u>	MOTION for Interlocutory Appeal by Irving F. Rounds, Jr. (Jones, Sherry) (Entered: 01/24/2020)
01/27/2020	<u>32</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>31</u> Motion. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/27/2020)
01/30/2020	<u>33</u>	Chief Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER ON DEFENDANTS' MOTION TO DISMISS entered. (Lara, Miguel) (Entered: 01/30/2020)
01/30/2020	<u>34</u>	Chief Judge F. Dennis Saylor, IV: ORDER DISMISSING CASE entered. (Lara, Miguel) (Entered: 01/30/2020)
01/30/2020	<u>35</u>	Copy re <u>34</u> Order Dismissing Case, <u>33</u> Order on Motion to Dismiss mailed to Irving Rounds, Jr. on 1/30/2020. (Lara, Miguel) (Entered: 01/30/2020)
02/12/2020	<u>36</u>	Plaintiffs Motion for Reconsideration by Irving F. Rounds, Jr.. (Attachments: # <u>1</u> Exhibit) (Kelly, Danielle) (Entered: 02/12/2020)
02/24/2020	<u>37</u>	MOTION for Injunctive Relief by Irving F. Rounds, Jr..(Halley, Taylor) (Entered: 02/25/2020)
06/12/2020	<u>38</u>	Chief Judge F. Dennis Saylor, IV: "Plaintiff's Motion for Reconsideration (Docket # 36) is DENIED." ELECTRONIC ORDER entered denying <u>36</u> Motion for Reconsideration. (Bono, Christine) (Entered: 06/12/2020)
06/12/2020	<u>39</u>	Chief Judge F. Dennis Saylor, IV: "Plaintiff's Motion for Injunctive Relief (Docket # 37) is DENIED." ELECTRONIC ORDER entered denying <u>37</u> Motion for Injunctive Relief. (Bono, Christine) (Entered: 06/12/2020)


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litigated in the Court of Federal Claims. See 28 U.S.C. §1346(a)(2); Berman v. United States, 264 F.3d 16, 20-21 (1st Cir. 2001). On July 13, 2016, Rounds filed an objection to the Report and Recommendation, which provides no substantive argument, but does request more time to seek legal counsel. On August 1, 2016, Rounds filed a motion requesting Magistrate Judge Kelly arbitrate the parties' dispute.

The court has considered the Magistrate Judge's Report and Recommendation, the submissions of the parties on the Motion to Dismiss, and Rounds' objection. This court has reviewed de novo the questions of law, and finds the Report and Recommendation to be thorough, thoughtful, and persuasive. Rounds has not caused counsel to appear on his behalf and, in any event, it is evident that this court lacks jurisdiction. The Report and Recommendation is, therefore, being adopted.

In view of the foregoing, it is hereby ORDERED that:

1. The attached Magistrate Judge's Report and Recommendation (Docket No. 18) is ADOPTED and INCORPORATED pursuant to 28 U.S.C. §636.
2. For the reasons stated in the Report and Recommendation, the Motion to Dismiss (Docket No. 6) is ALLOWED.
3. The Motion for Arbitration (Docket No. 28) is MOOT.


UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Rounds,

Plaintiff,

V.

**Environmental Protection Agency, et al.,
Defendants,**

CIVIL ACTION

NO. 17-40072-TSH

ORDER OF DISMISSAL

Hillman, D. J.

In accordance with the Court's Order dated 2/12/18, granting the defendants' motion to dismiss, it is hereby ORDERED that the above-entitled action be and hereby is dismissed.

By the Court,

2/12/18

Date

**/s/ Martin Castles
Deputy Clerk**

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Rounds,

Plaintiff,

V.

Koch, et al.,

Defendants,

CIVIL ACTION

NO. 18-40066-TSH

ORDER OF DISMISSAL

Hillman, D. J.

In accordance with the Court's Order dated 6/27/18, granting the defendants' motion to dismiss, it is hereby ORDERED that the above-entitled action be and hereby is dismissed.

By the Court,

6/27/18

Date

/s/ Martin Castles
Deputy Clerk

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATTACHMENT 2

Plaintiff

Irving F. Rounds, Jr. 246 Beacon Street Apartment 1 Clinton, MA 01510

v.

Defendant#1

Charles Koch P.O. Box 2256 Wichita, KS-67201-2256

Defendant#2

David Koch 740 Park Avenue Manhattan New York 10021

Defendant#3

**United States Government Department of
Justice**

U.S. Deputy Attorney General Rod Rosenstein

Special Counsel and former F.B.I. Director Robert Mueller

Congressman Robert Goodlatte Chairman of the DOJ's oversight committee

Civil Action

NO 4:18-CV-

40066-DHH

The Plaintiff files

A motion for

reconsideration

on order of

dismissal

PARTIES

1. Plaintiff: Irving F. Rounds, Jr. is an individual residing at 246 Beacon Street Apartment 1, Clinton MA 01510. "Mailing addresses P.O. Box 324, Clinton, MA 01510."
2. Defendant #1, Charles Koch is an individual who resides in Wichita Kansas and has a mailing address of P.O. Box 2256 Wichita, KS-67201-2256
3. Defendant #2 David Koch is an individual who resides at 740 Park Avenue Manhattan New York 10021
4. Defendant #3 Department of Justice, which is a Department of the government of the United States of America, which maintains offices in Washington, D.C.

JURISDICTION

5. Jurisdiction is claimed under 28 USC Chapter Spc. 1343

Motion 1

6. Plaintiff incorporates by reference as though set forth in full here at all of the allegations contained in paragraph 1 through and including 5 hereof.
7. The Plaintiff files a motion for reconsideration on order of dismissal, Rule 60, Relief from a Judgment or Order. The Plaintiff did not receive the motion to dismiss the case from Defendants 1 and 2 in the mail in a timely manner. The Plaintiff was in the process of amending the complaint as filed in the next motion (motion 2).

A handwritten signature, possibly "J. F. Rounds, Jr.", is written in black ink. Below the signature, the date "7/2/18" is written, followed by a large, stylized flourish or mark.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATTACHMENT 3

Plaintiff

Irving F. Rounds, Jr. 246 Beacon Street Apartment 1 Clinton, MA 01510

v.

Defendant#1

Charles Koch P.O. Box 2256 Wichita, KS-67201-2256

Defendant#2

David Koch 740 Park Avenue Manhattan New York 10021

Defendant#3

**United States Government Department of
Justice**

U.S. Deputy Attorney General Rod Rosenstein

Special Counsel and former F.B.I. Director Robert Mueller

Congressman Robert Goodlatte Chairman of the DOJ's oversight committee

Civil Action

NO 4:18-CV-

40066-DHH

The Plaintiff files

A motion to

Amend

The Plaintiffs

Complaint

PARTIES

1. Plaintiff: Irving F. Rounds, Jr. is an individual residing at 246 Beacon Street Apartment 1, Clinton MA 01510. "Mailing addresses P.O. Box 324, Clinton, MA 01510."

2. Defendant #1, Charles Koch is an individual who resides in Wichita Kansas and has a mailing address of P.O. Box 2256 Wichita, KS-67201-2256

3. Defendant #2 David Koch is an individual who resides at 740 Park Avenue Manhattan New York 10021

4. Defendant #3 Department of Justice, which is a Department of the government of the United States of America, which maintains offices in Washington, D.C.

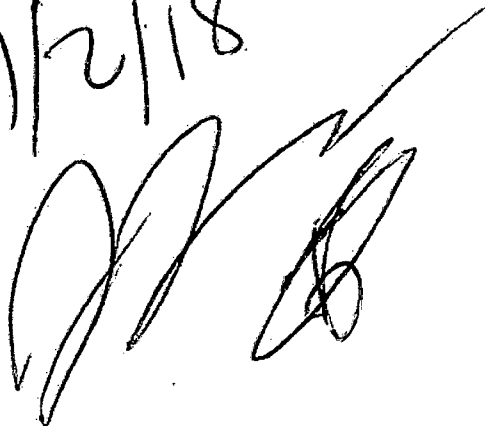
JURISDICTION

5. Jurisdiction is claimed under 28 USC Chapter Spc. 1343

Motion 2

6. Plaintiff incorporates by reference as though set forth in full here at all of the allegations contained in paragraph 1 through and including 5 hereof.

7. The Plaintiff files a motion to amend the Plaintiffs complaint (see attached amended complaint 11 pages).

7/2/18


**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATTACHMENT 6

Plaintiff

Irving F. Rounds, Jr. 246 Beacon Street Apartment 1 Clinton, MA 01510

v.

Defendant#1

Charles Koch P.O. Box 2256 Wichita, KS-67201-2256

Defendant#2

David Koch 740 Park Avenue Manhattan New York 10021

Defendant#3

**United States Government Department of
Justice**

U.S. Deputy Attorney General Rod Rosenstein

Special Counsel and former F.B.I. Director Robert Mueller

Congressman Robert Goodlatte Chairman of the DOJ's oversight committee

Civil Action

NO 4:18-CV-

40066-DHH

The Plaintiff files

A motion to

Supplement the

motion for

reconsideration

on order of

dismissal

PARTIES

1. Plaintiff: Irving F. Rounds, Jr. is an individual residing at 246 Beacon Street Apartment 1, Clinton MA 01510. "Mailing addresses P.O. Box 324, Clinton, MA 01510."
2. Defendant #1, Charles Koch is an individual who resides in Wichita Kansas and has a mailing address of P.O. Box 2256 Wichita, KS-67201-2256
3. Defendant #2 David Koch is an individual who resides at 740 Park Avenue Manhattan New York 10021
4. Defendant #3 Department of Justice, which is a Department of the government of the United States of America, which maintains offices in Washington, D.C.

JURISDICTION

5. Jurisdiction is claimed under 28 USC Chapter Spc. 1343

Motion 4

6. The Plaintiff files a motion to supplement the motion for reconsideration on order of dismissal. This motion is filed as additional argument to Defendants 1 and 2 Attorney Burke opposition to Plaintiffs motion for Reconsideration and to Amend Complaint.

7. As stated in the motion for reconsideration on order of dismissal, the Plaintiff claimed that he was in the Process of amending the complaint. On the original complaint filed, the Plaintiff failed to claim a key point on how Defendants 1 and 2 at the time had owned substantial stock shares in Group MAC. The significance to not claiming that, it was one of the key motives into Defendants 1 and 2 harassing the Plaintiff. Defendant's 1 and 2 would have lost substantial money if in fact that this went public how Airtron/Group MAC was forcing its employees at the time when the Plaintiff was employed by Airtron/Group MAC, to not only illegally vent refrigerants, exploit the elderly in the form using high pressure sales tactics to sell them things they didn't need and keep quiet about HVAC systems that Airtron/Group MAC had and was installing that was causing severe mold problems within the ductwork, which was due to Airtron/Group MAC miss designed, poorly installed and the use of substandard materials. The negative publicity would have dramatically caused Airtron/Group MAC's stock price to drop and caused Defendant's 1 and 2 to lose substantial money.

8. Attorney Burke had also stated: Rounds also attached a number of exhibits to his proposed amended complaint, the vast majority of which are emails between Rounds and Comcast customer service representatives- in which Rounds claims that the federal government is hacking computer through Comcast network. None of these emails reference the Koch's or provide any factual basis Rounds allegations against them.

9. The Plaintiff in the last exhibits filed never claimed that the federal government is hacking the Plaintiffs computer through Comcast network. The Plaintiff had stated and provided factual evidence provided by the exhibits filed, that Defendant 3 is in fact not only interrupting the Plaintiffs digital communication signal into his apartment, but had also proved that Defendant 3 has been harassing the Plaintiff in the form of blocking and or editing all the Plaintiffs incoming and outgoing regular, electronic and FedEx mail. Which as a direct result has directly affected the Plaintiffs ability to respond to this Legal matter in a timely matter.

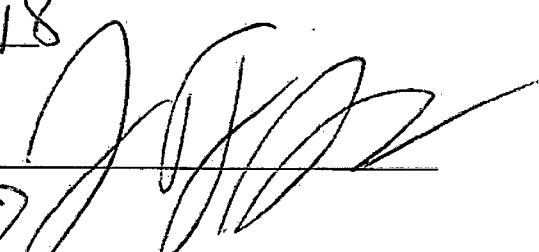
10. Attorney Burke lacked to say about how Defendant 3 is harassing the Plaintiff in the form of sending the Plaintiff bogus emails as outlined in the last exhibits filed, which is also affecting the Plaintiff.

11. Attorney Burke had stated the Plaintiff had failed to name any of the Koch's agents, when the Plaintiff did name some of the Koch's agents in the original exhibits filed, such as one of the Plaintiffs former co workers at Raytheon in Andover MA, Dan Green.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Motion for Reconsideration and Motion to Amend the Complaint should be allowed.

Date 7/16/18

Irving F. Rounds Jr. 

Initials 

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATTACHMENT 7

Plaintiff

Irving F. Rounds, Jr. 246 Beacon Street Apartment 1 Clinton, MA 01510

v.

Defendant#1

Charles Koch P.O. Box 2256 Wichita, KS-67201-2256

Defendant#2

David Koch 740 Park Avenue Manhattan New York 10021

Defendant#3

**United States Government Department of
Justice**

U.S. Deputy Attorney General Rod Rosenstein

Special Counsel and former F.B.I. Director Robert Mueller

Congressman Robert Goodlatte Chairman of the DOJ's oversight committee

Civil Action

NO 4:18-CV-

40066-DHH

The Plaintiff files

A motion to have

Judge D. J.

Hillman recuse

Himself from

This case

PARTIES

1. Plaintiff: Irving F. Rounds, Jr. is an individual residing at 246 Beacon Street Apartment 1, Clinton MA 01510. "Mailing addresses P.O. Box 324, Clinton, MA 01510."
2. Defendant #1, Charles Koch is an individual who resides in Wichita Kansas and has a mailing address of P.O. Box 2256 Wichita, KS-67201-2256
3. Defendant #2 David Koch is an individual who resides at 740 Park Avenue Manhattan New York 10021
4. Defendant #3 Department of Justice, which is a Department of the government of the United States of America, which maintains offices in Washington, D.C.

JURISDICTION

5. Jurisdiction is claimed under 28 USC Chapter Spc. 1343

Motion 5

6. The Plaintiff files a motion to have Judge D.J. Hillman recuse himself from this case. The Plaintiff makes this request because the Plaintiff feels that Judge Hillman is now bias and prejudice to oversee this case. Judge Hillmans bias and prejudice is now causing physical harm to the Plaintiff by allowing Defendants 1, 2 and 3 to harass, threaten and intimidate the Plaintiff, as outlined in the complaint, exhibits and motions not only in this case, but also in a recent Law suit filed related to this Legal matter, Civil action 4:17-CV-40072-TSH, where Judge Hillman over saw the case.
7. The Plaintiff had filed these motions along with the evidence to support the claim and allegations from the Plaintiff, that Defendants 1,2, and 3 have been relentlessly harassing, threatening and intimidating the Plaintiff for the different reasons, as outlined in this complaint and complaint 4:17-CV-40072-TSH, along with the supporting exhibits and motions to date. The next motion (motion 6) shows the most recent and past examples of one of the forms of harassment being levied against the Plaintiff from Defendant 3 (see next motion with exhibits 286-294).
8. As a direct result from the treatment of Defendants 1,2 and 3, it has caused physical harm to the Plaintiff, in the form of years lost off the life of the Plaintiff, due to the stress and duress levied by Defendants 1,2 and 3 towards the Plaintiff for over the last 20 years.
9. The Plaintiff while being employed at Life Technologies 35 Wiggins Ave. Bedford MA, suffered a work-related accident in the form of filing a worker's compensation claim for emotional distress.

The Plaintiff had worked for Life Technologies for approximately 5 years and had received promotions and had good job performance ratings until Defendants 1 and 2 agents told Life Technologies upper management in the summer of 2011 that the Plaintiff was a whistleblower/informant for Defendant 3 and a sex offender and pedophile. From that point, up until the Plaintiff was forced to quit for whistleblower retaliation, the Plaintiff was harassed by Life Technologies upper management.

10. On 12/19/11 the Plaintiff filed a worker's compensation claim for emotional distress and was out of work until 2/27/12. Life technologies disputed the claim, but the Plaintiff was awarded the pay after going for a hearing at the Commonwealth of Massachusetts Department of Industrial Accidents Board (see exhibits 297-298).

11. The Plaintiff not only had to endure the whistleblower retaliation and harassment from the Plaintiffs coworkers, but also was harassed by Defendant 3 undercover FBI Agent and co worker Meg Reilly when she strategically placed a camera pointed directly at the Plaintiffs work cube (see picture on exhibit page 121).

12. The Plaintiff has had medical help for work related and stress induced by Defendants 1,2 and 3 brought on by the relentless harassment (see exhibits 295-296). "The Plaintiff has been treated (and consulted with) . . . "Doctor Jerry Blaine, MD, Social Worker Michael E. Foran, LICSW and Doctor John L. Przybylski, MD. They all feel that with the harassment levied by Defendant 1, 2, and 3 it has taken an adverse effect and toll on the Plaintiff's health.

Conclusion

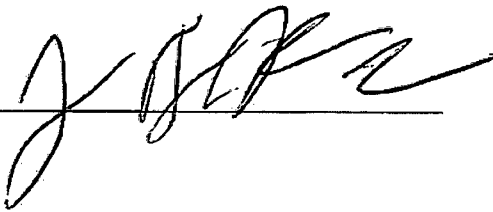

WHEREFORE, for the foregoing reasons, the Motion should be allowed.

Date

8/13/18

Irving F. Rounds Jr.

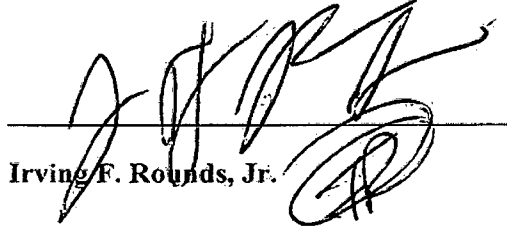
Initials

Certificate of Service

I, Irving F. Rounds, Jr. do hereby certify that I gave notice today of the within Motion to have Judge D.J. Hillman recuse himself from the above -entitled action by mailing a copy of same to Michael P. Burke, Esq.

Dated: August 13, 2018.



Irving F. Rounds, Jr.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ATTACHMENT 10

Plaintiff

Irving F. Rounds, Jr. 246 Beacon Street Apartment 1 Clinton, MA 01510

v.

Defendant#1

Charles Koch P.O. Box 2256 Wichita, KS-67201-2256

Defendant#2

David Koch 740 Park Avenue Manhattan New York 10021

Defendant#3

**United States Government Department of
Justice**

**U.S. Deputy Attorney General Rod Rosenstein
Special Counsel and former F.B.I. Director Robert Mueller
Congressman Robert Goodlatte Chairman of the DOJ's oversight committee**

**Civil Action
NO 4:18-CV-
40066-TSH
The Plaintiff files
An Interlocutory
Appeal**

PARTIES

1. Plaintiff: Irving F. Rounds, Jr. is an individual residing at 246 Beacon Street Apartment 1, Clinton MA 01510. "Mailing addresses P.O. Box 324, Clinton, MA 01510."
2. Defendant #1, Charles Koch is an individual who resides in Wichita Kansas and has a mailing address of P.O. Box 2256 Wichita, KS-67201-2256
3. Defendant #2 David Koch is an individual who resides at 740 Park Avenue Manhattan New York 10021
4. Defendant #3 Department of Justice, which is a Department of the government of the United States of America, which maintains offices in Washington, D.C.

JURISDICTION

5. Jurisdiction is claimed under 28 USC Chapter Spc. 1343

Motion 8

6. The Plaintiff files an Interlocutory appeal on one narrow part of this case: the rulings dated 8/31/18, docket# 27, District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying docket# 23 Motion to have Judge D.J. Hillman recuse himself; denying docket# 24 Motion to Amend; and denying docket# 25 Motion to have defendant 3 stop relentlessly harassing the Plaintiff. (Castles, Martin) (Entered: 08/31/18) see exhibit#299.
7. The Plaintiff files this motion based on newly discovered evidence to support this motion.
8. On docket# 23 Motion to have Judge T.S. Hillman recuse himself; newly discovered evidence (see exhibits 300 -313) to support this motion shows that by having Judge Hillman not recusing himself, that his bias and prejudice towards the Plaintiff is physically harming the Plaintiff in years being lost off the Plaintiffs life, caused by the stress induced by Defendants 1, 2 and 3 as supported by two of the Plaintiffs medical Doctors.
9. On denying docket# 24 Motion to Amend; newly discovered evidence to support this motion shows that Defendant 3 by hacking into the Plaintiffs cell phone (see exhibits 300 -309) is not only one more example of Defendant 3 relentless harassment towards the Plaintiff, but it also supports Defendant 3 efforts to disrupt the Plaintiffs communication abilities to respond to this complaint in a timely manner.
10. On denying docket# 25 Motion to have defendant 3 stop relentlessly harassing the Plaintiff; newly discovered evidence (see exhibits 300 -309) to support this motion shows that Defendant 3 is continuing to relentlessly harass the Plaintiff which is physically harming the Plaintiff in the form of years lost of the Plaintiffs life, harming the Plaintiff financially in the form of costs to switch his cell phone from Apple to Google, having to buy a new computer because Defendant 3 infected the Plaintiffs old iPhone and iPad and disrupting the Plaintiffs communication abilities to respond to this complaint in a timely manner.

Conclusion

WHEREFORE, for the foregoing reasons, the Motion should be allowed.

Date 9/7/18

Irving F. Rounds Jr. _____

Initials _____

Certificate of Service

I, Irving F. Rounds, Jr. do hereby certify that I gave notice today of the within Motion an Interlocutory appeal by mailing a copy of same to Michael P. Burke, Esq.

Dated: September 7th, 2018.

Irving F. Rounds, Jr. _____

Michael P. Burke
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

United States Government
Department of Justice

Defendant

Rod Rosenstein
U.S. Deputy Attorney General

Defendant

Robert Mueller
Special Counsel and former F.B.I.
Director

Defendant

Robert Goodlatte
Congressman, Chairman of the DOJ's
oversight committee

Date Filed	#	Docket Text
06/22/2018	<u>12</u>	Refusal to Consent to Proceed Before a US Magistrate Judge. (Burgos, Sandra) (Entered: 06/22/2018)
06/22/2018	13	ELECTRONIC NOTICE of Case Reassignment. District Judge Timothy S. Hillman assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge David H. Hennessy. (Danieli, Chris) (Entered: 06/22/2018)
06/27/2018	14	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting <u>7</u> Motion to Dismiss. No opposition having been filed, the Defendants' Motion to Dismiss is granted for the reasons set forth in their brief. (Castles, Martin) (Entered: 06/27/2018)
06/27/2018	<u>15</u>	District Judge Timothy S. Hillman: ORDER entered. ORDER DISMISSING CASE(Castles, Martin) (Entered: 06/27/2018)
07/03/2018	<u>16</u>	MOTION for Reconsideration re <u>15</u> Order Dismissing Case, 14 Order on Motion to Dismiss by Irving F. Rounds, Jr.(Burgos, Sandra) (Entered: 07/03/2018)
07/03/2018	<u>17</u>	MOTION to Amend <u>1</u> Complaint, by Irving F. Rounds, Jr.(Burgos, Sandra) (Entered: 07/03/2018)

07/06/2018	<u>18</u>	NOTICE of Appearance by Jack I. Siegal on behalf of Charles Koch, David Koch (Siegal, Jack) (Entered: 07/06/2018)
07/09/2018	<u>19</u>	Opposition re <u>16</u> MOTION for Reconsideration re <u>15</u> Order Dismissing Case, <u>14</u> Order on Motion to Dismiss, <u>17</u> MOTION to Amend <u>1</u> Complaint, filed by Charles Koch, David Koch. (Burke, Michael) (Entered: 07/09/2018)
07/16/2018	<u>20</u>	Supplemental MOTION for Reconsideration re <u>15</u> Order Dismissing Case by Irving F. Rounds, Jr.(Jones, Sherry) (Entered: 07/16/2018)
07/23/2018	<u>21</u>	RESPONSE to Motion re <u>20</u> MOTION for Reconsideration re <u>15</u> Order Dismissing Case filed by Charles Koch, David Koch. (Burke, Michael) (Entered: 07/23/2018)
08/03/2018	<u>22</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>16</u> Motion for Reconsideration; denying <u>17</u> Motion to Amend; and denying <u>20</u> Motion for Reconsideration. (Castles, Martin) (Entered: 08/03/2018)
08/13/2018	<u>23</u>	MOTION to have Judge D.J Hillman recuse himself from case by Irving F. Rounds, Jr.(Burgos, Sandra) (Entered: 08/13/2018)
08/13/2018	<u>24</u>	MOTION to Amend <u>16</u> MOTION for Reconsideration by Irving F. Rounds, Jr. (Burgos, Sandra) (Entered: 08/13/2018)
08/13/2018	<u>25</u>	Second MOTION to have defendant 3 stop relentlessly harassing the plaintiff by Irving F. Rounds, Jr.(Burgos, Sandra) (Entered: 08/13/2018)
08/13/2018	<u>26</u>	EXHIBIT by Irving F. Rounds, Jr. (Burgos, Sandra) (Entered: 08/13/2018)
08/31/2018	<u>27</u>	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>23</u> Motion to have Judge D.J Hillman recuse himself; denying <u>24</u> Motion to Amend; and denying <u>25</u> Motion to have defendant 3 stop relentlessly harassing the plaintiff. (Castles, Martin) (Entered: 08/31/2018)
09/11/2018	<u>28</u>	NOTICE OF INTERLOCUTORY APPEAL as to 27 Order on Motion for Miscellaneous Relief,, Order on Motion to Amend,, by Irving F. Rounds, Jr. () NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf . Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm . US District Court Clerk to deliver official record to Court of Appeals by 10/1/2018. (Jones, Sherry) (Entered: 09/11/2018)
09/12/2018	<u>29</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>28</u> Notice of Interlocutory Appeal (Paine, Matthew) (Entered: 09/12/2018)

		09/12/2018)
09/12/2018	30	USCA Case Number 18-1878 for <u>28</u> Notice of Interlocutory Appeal filed by Irving F. Rounds, Jr.. (Paine, Matthew) (Entered: 09/12/2018)
09/20/2018	31	Filing fee/payment: \$ 505.00, receipt number WOR001702 for <u>28</u> Notice of Interlocutory Appeal. (Burgos, Sandra) (Entered: 09/20/2018)
11/02/2018	<u>32</u>	MOTION for Injunctive Relief by Irving F. Rounds, Jr.(Jones, Sherry) (Entered: 11/02/2018)
11/02/2018	<u>33</u>	EXHIBIT re <u>32</u> MOTION for Injunctive Relief by Irving F. Rounds, Jr. (Jones, Sherry) (Entered: 11/02/2018)
11/27/2018	<u>34</u>	USCA Judgment as to <u>28</u> Notice of Interlocutory Appeal filed by Irving F. Rounds, Jr. (Paine, Matthew) (Entered: 11/28/2018)
11/27/2018	<u>35</u>	MANDATE of USCA as to <u>28</u> Notice of Interlocutory Appeal filed by Irving F. Rounds, Jr.. Appeal <u>28</u> Terminated (Paine, Matthew) (Entered: 11/28/2018)
11/30/2018	<u>36</u>	AFFIDAVIT of Irving Rounds in Support re <u>32</u> MOTION for Injunctive Relief filed by Irving F. Rounds, Jr. (Jones, Sherry) (Entered: 11/30/2018)
12/06/2018	<u>37</u>	AFFIDAVIT of Irving Rounds in Support re <u>32</u> MOTION for Injunctive Relief filed by Irving F. Rounds, Jr. (Attachments: # <u>1</u> Exhibit)(Jones, Sherry) (Entered: 12/06/2018)
12/06/2018	<u>38</u>	AFFIDAVIT of Irving Rounds in Support re <u>32</u> MOTION for Injunctive Relief filed by Irving F. Rounds, Jr. (Jones, Sherry) (Entered: 12/06/2018)
01/08/2019	39	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>32</u> Motion for Injunctive Relief. (Castles, Martin) (Entered: 01/08/2019)
01/14/2019	<u>40</u>	MOTION to have 3 Defendant stop harassing the Plaintiff by Irving F. Rounds, Jr.(Burgos, Sandra) (Entered: 01/14/2019)
01/14/2019	<u>42</u>	NOTICE OF APPEAL as to 39 Order on Motion for Injunctive Relief by Irving F. Rounds, Jr NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf . Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf . US District Court Clerk to deliver official record to Court of Appeals by 2/4/2019. (Attachments: # <u>1</u> USCA Letter)(Paine, Matthew) (Entered: 01/18/2019)
01/16/2019	41	District Judge Timothy S. Hillman: ELECTRONIC ORDER entered denying <u>40</u> Motion to have 3 Defendants stop harassing the Plaintiff. Plaintiff is reminded HIS CASE WAS CLOSED on 06/27/2018. (Castles, Martin) (Entered: 01/16/2019)

		01/16/2019)
01/18/2019	<u>43</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>42</u> Notice of Appeal. (Paine, Matthew) (Entered: 01/18/2019)
01/22/2019	<u>44</u>	USCA Case Number 19-1094 for <u>42</u> Notice of Appeal filed by Irving F. Rounds, Jr.. (Paine, Matthew) (Entered: 01/22/2019)
02/27/2020	<u>45</u>	USCA Judgment as to <u>42</u> Notice of Appeal filed by Irving F. Rounds, Jr.. AFFIRMED... (Paine, Matthew) (Entered: 02/28/2020)
04/01/2020	<u>46</u>	MANDATE of USCA as to <u>42</u> Notice of Appeal filed by Irving F. Rounds, Jr.. Appeal <u>42</u> Terminated (Paine, Matthew) (Entered: 04/02/2020)

PACER Service Center			
Transaction Receipt			
08/02/2020 11:04:28			
PACER Login:	irvingr2018;5650585:0	Client Code:	
Description:	Docket Report	Search Criteria:	4:18-cv-40066-TSH Start date: 6/18/2018 End date: 8/2/2020 Starting with document: 1 Ending with document: 55
Billable Pages:	3	Cost:	0.30

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IRVING ROUNDS, JR.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF JUSTICE;
WILLIAM BARR, United States Attorney General;
JEFFREY ROSEN, United States Deputy Attorney
General; and LINDSEY GRAHAM, United States
Senator,

Defendants.

Civil Action No.
19-11388-FDS

**MEMORANDUM AND ORDER ON
DEFENDANTS' MOTION TO DISMISS**

SAYLOR, C.J.

This is an action by a *pro se* litigant seeking damages from United States government officials and the Department of Justice. Plaintiff Irving F. Rounds, Jr., has brought this suit against the United States Department of Justice, Attorney General William Barr, Deputy Attorney General Jeffrey Rosen, and United States Senator Lindsey Graham for unspecified civil rights violations and alleged tortious conduct, including purported harassment and interference with his mail. According to the complaint, defendants have prevented Rounds from developing and marketing a "perpetual motion machine," for which he seeks billions of dollars in damages.

Defendants have moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction and Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Although the allegations of the complaint are, to say the least, implausible,

the court is required to consider the jurisdictional issue first. For the reasons set forth below, the motion to dismiss will be granted based on a lack of subject-matter jurisdiction.

I. Factual and Procedural Background

Irving F. Rounds, Jr. is an individual residing in Framingham, Massachusetts. (Compl. ¶ 1). The complaint alleges that defendants have harassed him for 21 years. (*Id.* ¶ 7). The alleged harassment includes interfering with delivery of his mail, e-mail, and FedEx deliveries. (*Id.* ¶ 13). It alleges that he has received medical treatment for stress due to the alleged harassment. (*Id.* ¶ 9). It further alleges that the ongoing harassment has prevented him from developing and marketing his invention, a “perpetual motion machine,” costing him approximately \$50,000,000,000 (fifty billion dollars) in lost income. (*Id.* ¶ 15).¹

On June 24, 2019, Rounds filed this action, which asserts nine counts against defendants. The complaint alleges coercion (Count 1); collusion (Count 2); harassment (Count 3); fraud (Count 4); obstruction of justice (Count 5); conspiracy (Count 6); mail fraud (Count 7); invasion of privacy (Count 8); and abuse of process (Count 9). It further alleges that jurisdiction is proper under 28 U.S.C. § 1343.

Defendants have moved to dismiss the complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction and Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

II. Legal Standard

“When faced with motions to dismiss under both 12(b)(1) and 12(b)(6), a district court, absent good reason to do otherwise, should ordinarily decide the 12(b)(1) motion first.”

¹ The amount of damages sought is unclear. Paragraph 15 alleges both that he seeks \$50,000,000,000 (fifty billion dollars) and \$5,000,000,000 (five billion dollars). (Compl. ¶ 15).

Northeast Erectors Ass'n of BTEA v. Secretary of Labor, Occupational Safety & Health Admin., 62 F.3d 37, 39 (1st Cir. 1995).

The party invoking the jurisdiction of a federal court “carries the burden of proving its existence.” *Johansen v. United States*, 506 F.3d 65, 68 (1st Cir. 2007) (quoting *Murphy v. United States*, 45 F.3d 520, 522 (1st Cir. 1995)). If the party seeking to invoke federal jurisdiction “fails to demonstrate a basis for jurisdiction,” the motion to dismiss must be granted. *Id.* In ruling on such a motion, the district court must construe the complaint liberally, treating all well-pleaded facts as true and indulging all reasonable inferences in favor of the plaintiff. *Aversa v. United States*, 99 F.3d 1200, 1209–10 (1st Cir. 1996).

When, as here, a motion to dismiss is filed against a *pro se* litigant, any document filed by the *pro se* party “is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)) (internal quotation marks omitted); *see also* Fed. R. Civ. P. 8(e) (“Pleadings must be construed so as to do justice.”). However, while *pro se* complaints “are accorded ‘an extra degree of solicitude’ . . . even a *pro se* plaintiff is required to ‘set forth factual allegations, either direct or inferential, respecting each material element necessary to sustain recovery under some actionable legal theory.’” *Wright v. Town of Southbridge*, 2009 WL 415506, at *2 (D. Mass. Jan. 15, 2009) (quoting *Adams v. Stephenson*, 116 F.3d 464, at *1 (1st Cir. June 23, 1997) (per curiam)).

III. Subject-Matter Jurisdiction

The doctrine of sovereign immunity bars suits for money damages against the United States, its agencies, and federal officers sued in their official capacities, unless the government has explicitly waived its immunity. *See McCloskey v. Mueller*, 446 F.3d 262, 272 (1st Cir.

2006); *United States v. Mitchell*, 445 U.S. 535, 538 (1980). When a federal officer is sued in his official capacity, the lawsuit is to be treated as a suit against the government itself and is therefore subject to the doctrine of sovereign immunity. *Kentucky v. Graham*, 473 U.S. 159, 166 (1985).

Sovereign immunity is jurisdictional in nature, and the court therefore lacks subject-matter jurisdiction to entertain a suit against the United States without a waiver. *F.D.I.C. v. Meyer*, 510 U.S. 471, 475 (1994). A waiver of sovereign immunity must be “unequivocally expressed in statutory text” and strictly construed in the government’s favor. *Lane v. Pena*, 518 U.S. 187, 192 (1996). Such a waiver thus may not be implied. *Id.* Furthermore, the plaintiff bears “the burden of proving sovereign immunity has been waived.” *Mahon v. United States*, 742 F.3d 11, 14 (1st Cir. 2014).

Here, plaintiff has sued a federal agency (the Department of Justice) and three federal officers (Attorney General William Barr, Deputy Attorney General Jeffrey Rosen, and United States Senator Lindsey Graham) in their official capacity for money damages. There is no indication in the complaint that the officers are being sued in their individual capacities. This Court therefore lacks subject-matter jurisdiction over this matter unless sovereign immunity has been waived.

A. 28 U.S.C. § 1343

The complaint alleges that federal jurisdiction exists under 28 U.S.C. § 1343. (Compl. ¶ 3).² In substance, § 1343 gives district courts original jurisdiction over claims arising from

² Section 1343 provides as follows:

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of

violations of 42 U.S.C. § 1985 and federal civil rights statutes. It is not, by itself, an “unequivocally expressed” waiver of the sovereign immunity of the United States. *See Lane v. Pena*, 518 U.S. 187, 192 (1996). Rather, “when federal court jurisdiction is invoked pursuant to [§ 1343], [the Court] must look to the specific Act of Congress . . . invoked to determine whether that Act by its terms expresses Congress’ consent to suits against the United States by persons in the plaintiff’s position.” *Salazar v. Heckler*, 787 F.2d 527, 529 (10th Cir. 1986); *see also Beale v. Blount*, 461 F.2d 1133, 1138 (5th Cir. 1972) (“Sections 1331 and 1343, Title 28, United States Code, may not be construed to constitute waivers of the federal government’s defense of sovereign immunity.”).

The complaint cites no specific statutes as a basis for recovery. This Court will construe the *pro se* complaint liberally and analyze whether the statutes contemplated by the subsections of § 1343—chiefly, 42 U.S.C. §§ 1985 and 1983—expressly waive sovereign immunity.

Sections 1343(a)(1) and (a)(2) specifically grant the district court jurisdiction over claims arising from violations of 42 U.S.C. § 1985. Section 1985 creates a cause of action for victims of a conspiracy to interfere with civil rights. It allows for the recovery of damages against “two or more persons” who conspire to prevent an officer from performing duties, obstruct justice,

any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable relief or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

intimidate party, witness, or juror, or otherwise violate equal protection. No such claim is set forth in the complaint. Furthermore, and in any event, § 1985 is not a waiver of sovereign immunity. *See Jachetta v. United States*, 653 F.3d 898, 908 (9th Cir. 2011) (sovereign immunity not waived by 28 U.S.C. §1343(a)(3), 42 U.S.C. §1985, nor 42 U.S.C. §1983); *Affiliated Professional Home Health Care Agency v. Shalala*, 164 F.3d 282, 286 (5th Cir. 1999) (suits brought under 28 U.S.C. § 1343 and 42 U.S.C. §§ 1981, 1983, 1985, 1986, and 1988 barred by sovereign immunity).

Section 1343(a)(3) grants the district court jurisdiction over civil actions “to redress the deprivation, under color of any State law . . . of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights.” Courts have generally construed § 1343(a)(3) as a grant of federal court jurisdiction for civil rights claims under § 1983, because the language of § 1343(a)(3) is largely similar to the language of § 1983.³ *See, e.g., Tempelman v. Beasley*, 43 F.3d 1456, at *1 (1st Cir. 1994) (per curiam) (unpublished table opinion); *Mack v. Alexander*, 575 F.2d 488, 489 (5th Cir. 1978) (“Section 1343 places original jurisdiction in the district courts when there is a substantive claim for violation of 42 U.S.C. §§ 1983 and 1985.”). Again, no claim under § 1983 is set forth in the complaint. And § 1983 is not a waiver of sovereign immunity. *See Jachetta*, 653 F.3d at 908; *Affiliated Professional*, 164 F.3d at 286.

Finally, § 1343(a)(4) grants the district court jurisdiction over violations of federal civil rights (including voting rights) statutes. Again, no such claim is set forth in the complaint, and

³ Section 1983 states, in relevant part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . .”

the statute is not a waiver of sovereign immunity.

In summary, 28 U.S.C. § 1343 does not itself provide a waiver of sovereign immunity, and the complaint does not state a cause of action under any statute that waives sovereign immunity.

B. The Federal Tort Claims Act

The Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-2680, “comprises a limited waiver of the federal government’s sovereign immunity . . . and grants federal courts jurisdiction over claims against the United States that fall within its ambit.” *McCloskey v. Mueller*, 446 F.3d 262, 266 (1st Cir. 2006) (internal citations omitted). Under the FTCA, the United States may be liable for “injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” 28 U.S.C. § 1346(b)(1).

Here, to the extent that plaintiff seeks damages for personal injury—for example, the alleged stress described in Compl. ¶ 9—such a claim must be brought under the FTCA.⁴ However, a claimant may not institute a claim under the FTCA in federal district court unless (1) he has filed an administrative claim with the “appropriate Federal agency,” and (2) the agency has issued a final denial, or failed to make a final disposition within six months. 28 U.S.C. §2675(a). Failure of a claimant to exhaust his administrative remedies is a non-waivable,

⁴ The complaint names individual federal officers as defendants. However, the United States is the only proper defendant in an action brought under the FTCA. See 28 U.S.C. §§ 1346(b), 2679(b)(1); *McCloskey v. Mueller*, 446 F.3d 262, 266 (1st Cir. 2006). Therefore, no FTCA claim can lie against defendants Barr, Rosen, or Graham.

jurisdictional bar to bringing suit in federal court under the FTCA. *See Barrett ex rel. Estate of Barrett v. United States*, 462 F.3d 28, 38; *see also McNeil v. United States*, 508 U.S. 106, 113 (1994) (“The FTCA bars claimants from bringing suit in federal court until they have exhausted their administrative remedies.”). Here, there is no indication that plaintiff has filed any administrative claims for personal injury. Because plaintiff has not exhausted his administrative remedies, this court does not have jurisdiction over his tort claims against the United States under the FTCA.

In summary, this action is barred by the doctrine of sovereign immunity, and this court accordingly does not have subject-matter jurisdiction over this action.

IV. Conclusion

For the foregoing reasons, defendants’ motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction is GRANTED. The Court does not reach the issue of whether the complaint should be dismissed because it fails to state a claim upon which relief can be granted.

So Ordered.

Dated: January 30, 2020

/s/ F. Dennis Saylor, IV
F. Dennis Saylor, IV
Chief Judge, United States District Court

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Motion

Plaintiff

Irving F. Rounds, Jr. PO Box 5241 Framingham, MA 01701-9988

v.

Defendants

United States Government Department of
Justice

U.S. Attorney General William Barr

U.S. Deputy Attorney General Jeffery Rosen

U.S. Senator Lindsey Graham

U.S. DISTRICT COURT
DISTRICT OF MASS.

RECEIVED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action
NO:1:19-CV-11388-
FDS
The Plaintiff files
A MOTION FOR
RECONSIDERATION

PARTIES

- 1. Plaintiff: Irving F. Rounds, Jr. is an individual "Mailing addresses P.O. Box 5241 Framingham, MA 01701-9988."**
- 2. The Defendants, Department of Justice, a Department of the government of the United States of America, and the named individuals are officials who maintain offices in Washington, D.C.**

JURISDICTION

- 3. Jurisdiction is claimed under 28 USC Chapter sec. 1343.**
- 4. Plaintiff incorporates by reference all allegations below as pertaining to all named defendants.**

Motion 12

- 5. The Plaintiff files a Motion for reconsideration on the Order of dismissal, dated January 30, 2020.**
- 6. The Plaintiff did not cite any specific statutes but had indicated in the complaint (see count Six) that Defendants Barr, Rosen and Graham acted as individuals in a conspiracy against the Plaintiff which interfered with the Plaintiff's civil rights.**
- 7. Defendants Barr, Rosen and Graham, by not stopping the abuse being levied against Plaintiff (as outlined in the complaint and exhibits), prevented officers from performing their duties while obstructing justice. This failure to ignore the law violated the Plaintiff's civil rights; as a result, these defendants acted in their individual capacities and not as officers of the federal government: consequently the defense of sovereign immunity was effectively waived.**
- 8. Given the elements of the Plaintiff's prima facie case and the multiple exhibits contained therein, the Plaintiff demonstrated that this complaint falls under The Federal Tort Claims Act ("FTCA").**
- 9. On December 14, 2011 at approximately 4:00pm, one of Plaintiff's counsel (Attorney Lana Sullivan of the law firm Davids & Cohen, Wellesley, MA) telephoned Special Agent Dan Green of the U.S. E.P.A.'s Tampa, Florida field office. This communication along with email communications to Special Agent Green (see example exhibit 107) and other phone calls intended to settle this Legal matter, satisfied the legal requirements of an administrative claim under the Federal Tort Claims Act.**
- 10. Additionally, on March 20, 2015, Assistant U.S. Attorney Terry Caminiti telephoned the Plaintiff. We discussed settling this matter out of Court (see exhibit 98) with the filing of an administrative claim.**
- 11. In March of 2013 the Plaintiff had reported one of the companies involved in this Legal matter (Charm Sciences) (see attached exhibit 637) and had spoken with and emailed (see exhibits 124-162) Anthony C. Maida Investigator of the U.S. Department of Labor – OSHA Region 1 Whistleblower Protection Program, Boston, MA. These multiple contacts at multiple times relative to a settlement of this matter out of Court also constituted the filing of an administrative claim as required under the Federal Tort Claims Act.**

12. Starting on May 29, 2019, the Plaintiff sent multiple emails (by certified mail)(see example exhibits 469, 470 email to Barr, Rosen and Graham) to Defendants Barr, Rosen and Graham concerning a settlement of this matter out of Court. These communications were also evidence of the Plaintiff's attempt to seek an administrative remedy of his claims with the Federal government.

13. The Plaintiff has filed these above-mentioned, good-faith, administrative claims and demands with these individuals and agents/agencies of the U.S. Government at various times. All have failed to respond within six (6) months; the Plaintiff has exhausted his administrative remedies.

14. The Plaintiff repeats his earlier request to the District Court to intervene in trying to have Defendants 2 and 3 resolve this Legal matter. The Plaintiff also requests a hearing on this Motion.

Conclusion

WHEREFORE, for the foregoing reasons, the underlying Motion should be allowed.

Date

2/12/2020

February 12, 2020

Irving F. Rounds Jr.

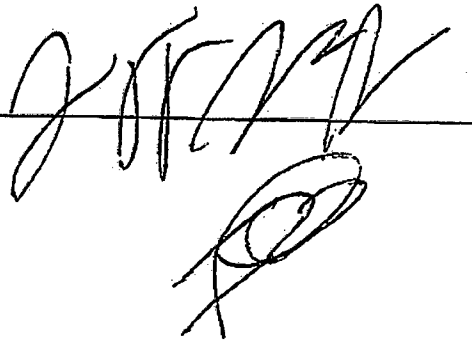
Initials

Certificate of Service

I, Irving F. Rounds, Jr. do hereby certify that I gave notice today of the within Motion an Interlocutory appeal by mailing a copy of same to the Boston U.S. Attorney's office.

Dated: February 12, 2020

Irving F. Rounds, Jr.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned over a horizontal line.

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

(Boston)

Irving F. Rounds Jr.
P.O. Box 5241
Framingham, MA 01710

Case No. 19-11388-FDS
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attachments: 1

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

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U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION 13 REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Irving F. Rounds Jr.</u>
Street Address	<u>P.O. Box 5241</u>
City and County	<u>Framingham Middlesex</u>
State and Zip Code	<u>MA, 01710</u>
Telephone Number	<u>857-500-9845</u>
E-mail Address	<u>Roundsmechanical5@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Department of Justice</u>
Job or Title <i>(if known)</i>	<u>NA</u>
Street Address	<u>950 Pennsylvania Avenue NW</u>
City and County	<u>Washington, District of Columbia</u>
State and Zip Code	<u>District of Columbia 20530</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 2

Name	<u>William Barr</u>
Job or Title <i>(if known)</i>	<u>U.S. Attorney General</u>
Street Address	<u>950 Pennsylvania Avenue NW</u>
City and County	<u>Washington, District of Columbia</u>
State and Zip Code	<u>District of Columbia 20530</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 3

Name	<u>Jeffrey Rosen</u>
Job or Title <i>(if known)</i>	<u>U.S. Deputy Attorney General</u>
Street Address	<u>950 Pennsylvania Avenue NW</u>
City and County	<u>Washington, District of Columbia</u>
State and Zip Code	<u>District of Columbia 20530</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 4

Name	<u>Lindsey Graham</u>
Job or Title <i>(if known)</i>	<u>U.S. Senator</u>
Street Address	<u>290 Russell Senate Office Building</u>
City and County	<u>Washington, District of Columbia</u>
State and Zip Code	<u>District of Columbia 20530</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 U.S.C. 1343

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Irving F. Rounds Jr., is a citizen of the
State of *(name)* Massachusetts

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* See attachments 2, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Damages exceed \$75,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?
Florida and Massachusetts (see attached complaint with exhibits)

B. What date and approximate time did the events giving rise to your claim(s) occur?
January 1998 to present (see attached complaint with exhibits)

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Defendants #1, #2 and #3 through their agents and specifically a manager of the DOJ (agent of Defendant #1, #2 and #3) have followed me to my gym (as outlined in the Exhibits) and followed me to Shaw's supermarket on February 2, 2020 (see exhibits) whereupon the Plaintiff filed a complaint with Shaw's. This DOJ's egregious behavior toward the Plaintiff is placing the Plaintiff and the public in imminent danger given the agents' harassing and intimidating behavior. Most recently, a manager who is an agent of Defendants #1, #2 and #3 has been following the Plaintiff to his new gym at Orchard Hills Athletic Club in Lancaster, Massachusetts (see exhibits). The Plaintiff's fear is for his safety and that of the public's safety; the DOJ, by provoking the Plaintiff, could potentially cause some type of altercation where the agents could discharge their firearms not only harming the Plaintiff but anyone caught in some type of crossfire. The Plaintiff, starting in January 1998, was effectively "entrapped" twice for extortion and has been forced against his will through various investigations by Defendants #1, 2# and #3.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The Defendants #1, #2 and #3 through their agents along with the specific individual (DOJ manager) have placed the Plaintiff in constant fear of being falsely arrested given the harassing and intimidating behavior of their agents and the named individual (DOJ manager as outlined in the exhibits). This has been documented by the Plaintiff's two medical doctors (Doctor Jerry Blaine, MD, Doctor John L. Przybylski, MD) and one clinical Social Worker (Michael E. Foran, LICSW). They all feel that this has taken a major toll on the Plaintiff physically, in the form of years lost of life, because of the shear emotional duress levied by Defendants' 1, 2 and 3 agents as well as the latest abuse at the Plaintiff's new gym, Orchard Hills Athletic Club. All three will provide Doctor notes to support that claim should the Court require them to do so.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff needs all 3 Defendants through their agents to stop harassing, threatening, stalking and intimidating the Plaintiff and placing the Plaintiff in constant fear of his safety and that of others. The Plaintiff is seeking relief in the form of compensatory and punitive damages as outlined in the complaint.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/12/2020

Signature of Plaintiff

Printed Name of Plaintiff


Irving F. Rounds Jr.

B. For Attorneys

Date of signing: 02/12/2020

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Attachments

1. A) Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
B) William Barr
950 Pennsylvania Avenue NW
Washington, DC 20530
C) Jeffrey Rosen
950 Pennsylvania Avenue NW
Washington, DC 20530
D) Lindsey Graham
290 Russell Senate Office Building
Washington, DC 20510
2. A) Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
B) William Barr
950 Pennsylvania Avenue NW
Washington, DC 20530
C) Jeffrey Rosen
950 Pennsylvania Avenue NW
Washington, DC 20530
D) Lindsey Graham
290 Russell Senate Office Building
Washington, DC 20510

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

(Boston)

Irving F. Rounds Jr.
P.O. Box 5241
Framingham, MA 01710

Case No. 19-11388-FDS
(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Attachments: 1

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

U.S. DISTRICT COURT
DISTRICT OF MASS.
CLERK'S OFFICE
JAN 14 2020

MOTION 13 REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Irving F. Rounds Jr.
Street Address	P.O. Box 5241
City and County	Framingham Middlesex
State and Zip Code	MA, 01710
Telephone Number	857-500-9845
E-mail Address	Roundsmechanical5@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:19-cv-11388-FDS**

Rounds, Jr. v. United States Department of Justice et al
Assigned to: Chief Judge F. Dennis Saylor, IV
Demand: \$9,999,000
Cause: 28:1983 Civil Rights

Date Filed: 06/24/2019
Date Terminated: 01/30/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Irving F. Rounds, Jr.

represented by **Irving F. Rounds, Jr.**
P.O. Box 5241
Framingham, MA 01701
PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT
OF JUSTICE**

represented by **Anita Johnson**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
617-748-3100
Email: anita.johnson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Barr
United States Attorney General

represented by **Anita Johnson**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffery Rosen
United States Deputy Attorney General

represented by **Anita Johnson**
(See above for address)

Defendant

Lindsey Graham
United States Senator

represented by **Anita Johnson**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/24/2019	<u>1</u>	COMPLAINT against Jeffery Rosen, William Barr, UNITED STATES DEPARTMENT OF JUSTICE, Lindsey Graham, filed by Irving F. Rounds, Jr.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Category Form)(McDonagh, Christina) (Entered: 06/24/2019)
06/24/2019	<u>2</u>	NOTICE of Case Assignment. Magistrate Judge M. Page Kelley assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here . These documents will be mailed to counsel not receiving notice electronically. Pursuant to General Order 09-3, until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 USC 636(b) for all pretrial non-dispositive matters and Report and Recommendations, but not for the Rule 16(b) scheduling conference. (Finn, Mary) Modified docket entry number on 6/24/2019 (adminn,). (Entered: 06/24/2019)
06/24/2019	<u>3</u>	Filing fee: \$400.00, receipt number 1BST075003 for <u>1</u> Complaint (Coppola, Katelyn) Modified docket entry number on 6/24/2019 (adminn,). (Entered: 06/24/2019)
06/24/2019	<u>4</u>	Summons Issued as to William Barr, Lindsey Graham, Jeffery Rosen, UNITED STATES DEPARTMENT OF JUSTICE. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (McDonagh, Christina) (Entered: 06/24/2019)
06/24/2019	<u>5</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (McDonagh, Christina) (Entered: 06/24/2019)
07/15/2019	<u>6</u>	MOTION to stop the Defendants from harassing the Plaintiff filed by Irving F. Rounds, Jr. (Belmont, Kellyann) (Additional attachment(s) added on 7/15/2019: # <u>1</u> Exhibits) (Belmont, Kellyann). (Entered: 07/15/2019)
07/15/2019	<u>7</u>	MOTION for Leave to file electronically filed by Irving F. Rounds, Jr..(Belmont,

		Kellyann) (Entered: 07/15/2019)
09/09/2019	<u>8</u>	MOTION for Relief from Defendants Harassment filed by Irving F. Rounds, Jr. (Attachments: # <u>1</u> Attachment)(Belmont, Kellyann) (Entered: 09/09/2019)
09/20/2019	<u>9</u>	SUMMONS Returned Executed as to Department of Justice by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 09/23/2019)
09/20/2019	<u>10</u>	SUMMONS Returned Executed as to William Barr by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 09/23/2019)
09/20/2019	<u>11</u>	SUMMONS Returned Executed as to Jeffery Rosen by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 09/23/2019)
09/20/2019	<u>12</u>	SUMMONS Returned Executed as to Lindsey Graham. (Belmont, Kellyann) (Main Document 12 replaced on 9/23/2019) (Belmont, Kellyann). (Additional attachment(s) added on 9/23/2019: # <u>1</u> Affidavit of Delivery) (Belmont, Kellyann). (Entered: 09/23/2019)
09/20/2019	<u>13</u>	MOTION for entry of Default Final Judgment by Irving F. Rounds, Jr. (Attachments: # <u>1</u> Attachments)(Belmont, Kellyann) (Entered: 09/23/2019)
09/26/2019	<u>14</u>	NOTICE of Appearance by Anita Johnson on behalf of William Barr, Lindsey Graham, Jeffery Rosen, UNITED STATES DEPARTMENT OF JUSTICE (Johnson, Anita) (Entered: 09/26/2019)
10/04/2019	<u>15</u>	Magistrate Judge M. Page Kelley: ELECTRONIC ORDER entered denying <u>13</u> Motion for Default Judgment. Federal Rule of Civil Procedure 12(a)(2) states that "[t]he United States, a United States agency, or a United States officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the United States attorney." There is nothing on the docket to reflect whether the United States attorney was served, or when. There is no basis upon which to enter a default. (MacDougall, Patricia) (Entered: 10/04/2019)
10/07/2019	<u>16</u>	SUMMONS Returned Executed as to US Attorney by Irving F. Rounds, Jr. (Attachments: # <u>1</u> Certificate of service)(Belmont, Kellyann) (Entered: 10/08/2019)
12/06/2019	<u>17</u>	MOTION to Dismiss <i>by all defendants</i> by William Barr, Lindsey Graham, Jeffery Rosen.(Johnson, Anita) (Entered: 12/06/2019)
12/09/2019	<u>18</u>	ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is mandatory. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at http://www.mad.uscourts.gov . (MacDougall, Patricia) (Entered: 12/09/2019)

12/09/2019	<u>19</u>	MEMORANDUM in Support re <u>17</u> MOTION. Dismiss <i>by all defendants</i> filed by UNITED STATES DEPARTMENT OF JUSTICE. (Johnson, Anita) (Entered: 12/09/2019)
12/10/2019	<u>20</u>	Opposition re <u>17</u> MOTION to Dismiss <i>by all defendants</i> filed by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 12/10/2019)
12/10/2019	<u>21</u>	MOTION for Entry of Default Final Judgment Memorandum of Law in support of motion for default final judgment by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 12/10/2019)
12/10/2019	<u>22</u>	MOTION for Injunctive Relief from Defendants Harassment filed by Irving F. Rounds, Jr. (Attachments: # <u>1</u> Exhibits)(Belmont, Kellyann) (Entered: 12/10/2019)
12/16/2019	<u>23</u>	Opposition re <u>19</u> Memorandum in support re MOTION to Dismiss <i>by all defendants</i> filed by Irving F. Rounds, Jr. (Belmont, Kellyann) (Entered: 12/17/2019)
12/16/2019	<u>24</u>	Refusal to Consent to Proceed Before a US Magistrate Judge. (Belmont, Kellyann) (Entered: 12/17/2019)
12/17/2019	<u>25</u>	ELECTRONIC NOTICE of Case RE-Assignment. Judge F. Dennis Saylor, IV assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary) (Entered: 12/17/2019)
01/13/2020	<u>26</u>	Chief Judge F. Dennis Saylor, IV: Plaintiff's Motion to Stop Defendants from Harassing Plaintiff (Docket No. 6) is DENIED. Plaintiff's Motion for Relief from Defendants Harassment (Docket No. 8) is DENIED. Plaintiff's Motion for Entry of Default Judgment (Docket No. 21) is DENIED. Plaintiff's Motion for Injunctive Relief from Defendants Harassment (Docket No. 22) is DENIED. ELECTRONIC ORDER entered denying <u>6</u> Motion ; denying <u>8</u> Motion ; denying <u>21</u> Motion for Entry of Default; denying <u>22</u> Motion. (Copy mailed.) (Bono, Christine) (Entered: 01/13/2020)
01/15/2020	<u>27</u>	MOTION for Injunctive Relief by Irving F. Rounds, Jr.. (Attachments: # <u>1</u> Attachments, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Burgos, Sandra) (Entered: 01/15/2020)

01/17/2020	<u>28</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>27</u> Motion for Injunctive Relief. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/17/2020)
01/21/2020	<u>29</u>	MOTION for Interlocutory Appeal by Irving F. Rounds, Jr..(Halley, Taylor) (Entered: 01/21/2020)
01/22/2020	<u>30</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>29</u> Plaintiff's Motion for Interlocutory Appeal. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/22/2020)
01/24/2020	<u>31</u>	MOTION for Interlocutory Appeal by Irving F. Rounds, Jr. (Jones, Sherry) (Entered: 01/24/2020)
01/27/2020	<u>32</u>	Chief Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered denying <u>31</u> Motion. <i>Copy mailed.</i> (Bono, Christine) (Entered: 01/27/2020)
01/30/2020	<u>33</u>	Chief Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER ON DEFENDANTS' MOTION TO DISMISS entered. (Lara, Miguel) (Entered: 01/30/2020)
01/30/2020	<u>34</u>	Chief Judge F. Dennis Saylor, IV: ORDER DISMISSING CASE entered. (Lara, Miguel) (Entered: 01/30/2020)
01/30/2020	<u>35</u>	Copy re <u>34</u> Order Dismissing Case, <u>33</u> Order on Motion to Dismiss mailed to Irving Rounds, Jr. on 1/30/2020. (Lara, Miguel) (Entered: 01/30/2020)
02/12/2020	<u>36</u>	Plaintiffs Motion for Reconsideration by Irving F. Rounds, Jr.. (Attachments: # <u>1</u> Exhibit) (Kelly, Danielle) (Entered: 02/12/2020)
02/24/2020	<u>37</u>	MOTION for Injunctive Relief by Irving F. Rounds, Jr..(Halley, Taylor) (Entered: 02/25/2020)
06/12/2020	<u>38</u>	Chief Judge F. Dennis Saylor, IV: "Plaintiff's Motion for Reconsideration (Docket # <u>36</u>) is DENIED." ELECTRONIC ORDER entered denying <u>36</u> Motion for Reconsideration. (Bono, Christine) (Entered: 06/12/2020)
06/12/2020	<u>39</u>	Chief Judge F. Dennis Saylor, IV: "Plaintiff's Motion for Injunctive Relief (Docket # <u>37</u>) is DENIED." ELECTRONIC ORDER entered denying <u>37</u> Motion for Injunctive Relief. (Bono, Christine) (Entered: 06/12/2020)

PACER Service Center			
Transaction Receipt			
07/26/2020 18:11:15			

Irv Rounds

From: irv rounds [roundsmechanical@verizon.net]
Sent: Friday, January 06, 2012 8:48 AM
To: 'Hoffmann, Uma'
Cc: 'dave.goodwin@lifetech.com'
Subject: RE: RE: Follow Up: 12/20/2011

Uma:

Can you possibly make it Tuesday?

Irv

From: Hoffmann, Uma [mailto:Uma.Hoffmann@lifetech.com]
Sent: Friday, January 06, 2012 12:13 AM
To: irv rounds
Cc: Goodwin, Dave
Subject: RE: RE: Follow Up: 12/20/2011

Irv,

I can meet as early as 7:00 a.m. on Monday morning (if that works for you) and then coordinate with Dave Goodwin to have him meet with you directly after our discussion.

Thank you,
Uma

From: irv rounds [mailto:roundsmechanical@verizon.net]
Sent: Thursday, January 05, 2012 6:29 PM
To: Hoffmann, Uma
Cc: Goodwin, Dave; 'Gaytri Kachroo'
Subject: RE: RE: Follow Up: 12/20/2011

Uma:

If you could please let me know when you are available either next week or the following. I would prefer to meet in Woburn. Yes my intention is to file a worker's compensation claim. If Dave Goodwin could also meet with me that same day to discuss and process the claim. As both you and Dave stated, I am willing to speak with your carrier that same day to discuss my claim.

Thanks,

Irv

From: Hoffmann, Uma [mailto:Uma.Hoffmann@lifetech.com]
Sent: Tuesday, January 03, 2012 7:22 PM
To: roundsmechanical@verizon.net
Cc: Goodwin, Dave
Subject: RE: RE: Follow Up: 12/20/2011

Irv,

I will be able to meet with you on Monday 1/9/2012 at 8:00 a.m. at either the Bedford or Woburn site (whichever you prefer). Please confirm back to me by tomorrow morning if you are able to make date so that I can make travel arrangements.

Because you have not confirmed your intentions regarding your employment status, we are assuming that you are requesting a workers' compensation leave of absence. I have requested the leave of absence team to provide you with the appropriate paperwork for this leave so please ensure that you complete and return this right away. It is imperative that we receive the completed form from you so that your absences today can be properly classified and excused. If we have misunderstood your intentions, please let me know immediately.

Additionally, we will need to process your Worker's Compensation claim and will need your cooperation in communicating with our carrier and Dave Goodwin. You can either connect this week with Dave Goodwin or if you wish, we can make arrangements to have you connect with Dave when you are onsite on Monday.

I look forward to meeting with you on Monday.

Thank you,
Uma

From: roundsmechanical@verizon.net [<mailto:roundsmechanical@verizon.net>]
Sent: Friday, December 30, 2011 3:00 PM
To: Hoffmann, Uma; Goodwin, Dave; gkachroo@kachroolegal.com
Subject: Re: RE: Follow Up: 12/20/2011

Dear Uma:

Thank you for your E-Mail response. Although I am surprised you do not wish to use the resources of my attorney towards the cooperative resolution we both seek, and in view of the safety concerns I have related, I am glad that you are taking my concerns seriously and wish to investigate them. I want to be helpful to you and to the department and to that end, I would like to collect some information and documentation that may be of assistance prior to our meeting. I suggest with the holidays upon us that it may be more fruitful for us to meet a week from Tuesday, January 10, 2012. Please let me know if you are amenable to meet with me at that time.

Thank you and Happy New Year!

Regards,
Irv

On 12/28/11, Hoffmann, Uma<Uma.Hoffmann@lifetech.com> wrote:

Irv,

Thank you for your email. You have requested that we provide an answer to your concerns listed in your December 19, 2011 letter. We are taking your concerns very seriously and our initial response to those concerns is to conduct an investigation into them.

EXHIBIT PAGE 29

App. 56

We have begun an investigation, and we have been attempting to speak with you directly regarding those concerns. An important step in moving that investigation forward is having a discussion with you so we can get all the details regarding your concerns so we can ensure we fully understand them and can conduct a thorough investigation. Thus, I continue to look forward to the have an in-person meeting with you.

Thank you for the suggestion of having your attorney presenting during our meeting. However, we are not able to accommodate your request.

I am available tomorrow afternoon or Tuesday morning to meet with you. Please let me know which of these dates work for you so I can make plans to travel to the Bedford facility for our meeting.

Thank you,

Uma Hoffmann

Human Resources | www.lifetechnologies.com/careers

phone 716 774 0647 • mobile 760 405 7170 • uma.hoffmann@lifetech.com

3175 Staley Rd. • Grand Island • NY • 14072

P Please consider the environment before printing this e-mail

The information contained in this email may be confidential, private and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message.

EXHIBIT PAGE 30

App. 57

From: irv rounds [<mailto:roundsmechanical@verizon.net>]
Sent: Tuesday, December 27, 2011 12:30 PM
To: Hoffmann, Uma
Cc: 'Gaytri Kachroo'; Goodwin, Dave
Subject: FW: Follow Up: 12/20/2011
Importance: High
Sensitivity: Confidential

Uma,

I would like to sit down with you to try to clear the air so that we can function again back to a better level within the department. I want to get back to that, so we can work more efficiently and ensure a safe and cohesive working environment for the betterment of the company. I think we both share the same common goal which is the betterment of the department. Prior to our meeting, I would appreciate it if you could please answer the concerns listed on the attachment dated 12/19/11 prepared by myself (see attached questions). Also would you be willing to have my Attorney present in our meeting. She might be able to help us mediate issues in a positive format.

Thank you for your attention.

Irv

From: irv rounds [<mailto:roundsmechanical@verizon.net>]
Sent: Wednesday, December 21, 2011 6:19 AM
To: 'Hoffmann, Uma'
Cc: 'dave.goodwin@lifetech.com'
Subject: RE: Follow Up: 12/20/2011

Uma,

Rick:

I called in sick Monday January 28th, 2013 and went home sick Tuesday, January 29, 2013 because I am suffering from work related stress. I would like you to please schedule a meeting with yourself and Alicia Sharpe to discuss the following:

- 1.) Do you know I am a whistle blower to the Environmental Protection Agency (EPA)?
- 2.) Am I being retaliated and discriminated against for this?
- 3.) Did Alicia Sharpe and Charm Sciences try to persuade me to come work for Charm Sciences? If so, for what reason.
- 4.) Do any of my Co workers know that I am a whistle blower to the E.P.A.?
- 5.) Has some of the HVAC equipment I have been working on, using the word loosely, been sabotaged? Like the QC Lab RTU, the hot water coil I just installed for the dry room unit and the BL-2 lab RTU and exhaust fan as an example?
- 6.) Am I being specifically videoed and audio taped for being a E.P.A. whistle blower? What I am asking is, is there cameras, other than the house cameras, such as possibly in the lunch room or anywhere else where I am being video and audio taped? If I am being video and audio taped, for what specific reason?
- 7.) Is Charm Sciences discriminating against me?
- 8.) When Henry Lambert went out on workers' comp., was that staged? If so, for what reason?
- 9.) Is Charm Sciences working with any of the security companies that are involved in my EPA whistle blowing case? Such as, Lake H.V.A.C., General Electric or Life Technologies and any other companies?
- 10.) If this is the case, I don't think this a healthy work environment for my co workers or myself. I currently hold (7) licenses, most of them are issued from the department of public safety. The expectation from them is they don't want me to harm or hurt the public or myself. Do to the dangerous equipment I work on, I don't want to hurt myself or anyone else. Again if I am being singled out, I think this is making it a very unsafe work environment for me. Because as you know, the H.V.A.C. trade is dangerous enough, but to work under these circumstances, it makes it extremely dangerous.

I used to work for a security firm in Boston and I have formal training in under cover security work. I have been involved in this 15 year E.P.A. whistle blowing case. I am a whistle blower, not an informant. I have 5 different Law firms involved in this for me. I have had 3 Law Firms try to contact the E.P.A. and I have contacted them many times myself, to no avail and two others involved indirectly. I have no open communication with them. I have a pending law suit against the E.P.A. and the Justice Department, Federal Bureau of Investigation (F.B.I.) Boston field office. I was forced to quit my former employer Life Technologies, due to a hostile work environment and it caused me emotional distress. I took this job with Charm Sciences after Alicia Sharpe contacted me and Charm Sciences offered me the job. I was going to take a job with Raytheon, but Charm Sciences offered me \$7.00 dollars more an hour. Currently I have been struggling with work related stress. It's hard to come into work knowing that my co workers feel uncomfortable about me being a whistle blower and false allegations being made against me as some type of sex offender and or a pedophile. That's why I lost my cool with Jim Foley up in the lunch room and lost my cool with Henry Lambert about the hot water coil being sabotaged. Jim Foley had said a couple of times under his breath I was a chicken hawk. I take real offense to these false allegations that these security firms are making against me. I will use the word loosely, but they are trying to frame me as such. I tried to laugh and joke around with you and my co workers, to make the situation not so tense. I wish Charm Sciences never contacted me, because personally I like you and all my co workers. This is a very shitty situation for all of us. I cannot work in this environment. I am filing a worker's compensation claim for emotional distress. So please speak this

over with the appropriate management and the company Attorney or who ever. Let me know if I am eligible to go out on workers compensation for emotional distress, or does Charm Sciences want to lay me off or fire me. I also intend to file a complaint with the Occupational Safety and Health Administration (OSHA) for whistle blower retaliation.

Please advise when you and Alicia are available to discuss my concerns.

Thanks,

Irv

Irv Rounds

From: Irv Rounds [roundsmechanical@verizon.net]
Sent: Tuesday, May 06, 2014 4:40 AM
To: Joe Marinelli (joseph_j_marinelli@raytheon.com)
Cc: 'Jim Southwick'; 'john_j_abreu@raytheon.com'; 'william_christie@raytheon.com'; 'Mike Norcia'; 'Michael J McDonnell'; 'Scott Mezquita'; 'kjwsjwwells@gmail.com'; 'peter.e.beaumont@raytheon.com'
Subject: FW: Reporting Near Miss Environmental Test Lab (ETL)
Attachments: Background check Irving F. Rounds Jr. Two0001.pdf

Importance: High
Sensitivity: Confidential

Joe:

Can you please forward this E-Mail to Matt Mackenzie or anyone else in Raytheon's E.H.&S.

Thank you,

Irv Rounds

From: Irv Rounds [mailto:roundsmechanical@verizon.net]
Sent: Monday, May 05, 2014 9:54 PM
To: Joe Marinelli (joseph_j_marinelli@raytheon.com)
Subject: FW: Reporting Near Miss Environmental Test Lab (ETL)
Importance: High
Sensitivity: Confidential

Matt:

I see that I had your wrong E-Mail address. The E-Mail came back as undeliverable. Please review and contact me with any questions.

Thank you,

Irv Rounds

From: Irv Rounds [mailto:roundsmechanical@verizon.net]
Sent: Wednesday, April 30, 2014 10:36 AM
To: 'matthew_s_mackenzie@raytheon.com'
Cc: 'daniel.j.greene@raytheon.com'; 'Michael J McDonnell'; 'Joe Marinelli (joseph_j_marinelli@raytheon.com)'; 'Scott Mezquita'; 'Mike Norcia'; 'william_christie@raytheon.com'; 'Jim Southwick'; 'john_j_abreu@raytheon.com'
Subject: Reporting Near Miss Environmental Test Lab (ETL)
Importance: High
Sensitivity: Confidential

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Matt:

I want to report to you a near miss that I experienced while working in the Environmental Test Lab (ETL). While working in the ETL last year there was a massive arc flash explosion. I didn't record the date but it was approximately around the beginning of October 2013. I was instructed to look at an environmental test chamber G-1 for no cooling. When trouble shooting it I found the circuit breaker tripping for the low stage compressor on system#1. I reset the breaker and it tripped again. So I started to trouble shoot that circuit. It didn't show the compressor windings shorted to ground. I then observed the contactor points slightly pitted. I cleaned the contactor points. I allowed the contact cleaner sufficient time to dry. I turned the breaker back on and reset the breaker. I put my leather gloves on and my safety glasses on then proceeded to push the contactor in with a screw driver. What happened next was that I saw the arc flash start in the circuit breaker which back fed the contactor and then they both exploded. Jack Abreu, William Christie and a few other co workers came over to see what happened. They all told me that they saw a massive flash and asked me if I was all right. I said yes I was all right and I completely down played it. I did get shocked and was shook up but there were no side effects from it. I admit that I was negligent for not having my rubber gloves on under my leather gloves, the ear plugs in, balaclava on and my arc flash hard hat face shield on at the time of the arc flash explosion. I also admit what I did by pushing in the contactor live with a screwdriver is not a typically recommended way by the industry to trouble shoot a circuit, but many technicians like myself do use that method. When I went to change the breaker and contactor I saw what appeared to be a jumper the on the old breaker. There was so much damaged caused by the explosion it was not possible to say conclusively one way or the other. When you look in the control cabinet you can clearly see by looking at the burn marks behind the new circuit breaker that there was an explosion behind it buy looking at the burn marks on the control cabinet wall. I could have been killed or seriously hurt.

The reason why I have held off for so long to report this near miss, is that I have been trying to legally get myself out of a whistle blowing case I am involved in. On January 7th 1998 I reported to the Environmental Protection Agency Criminal Investigation Division located at the Tampa Florida field office that a former employer of mine Airtron Inc. located at 210 Douglas Rd E, Oldsmar, FL 34677 was in violation of the clean air act. They wanted me to illegally vent refrigerants. They also wanted me to use high pressure sales tactics with their customer base and keep quiet about customers with severe mold in there air conditioning duct systems. It was a known fact at that time and to this day how some people can get very sick and in some rare cases actually die from mold in there ductwork. Another company I worked for along with venting refrigerants, they also wanted me to exploit the elderly in the form of high pressuring them into buying air conditioning equipment when it was not necessary and required to do so. They employed these technicians (called EMT's) and had a telemarketing room (boiler room) targeting specific elderly people. I have five Law firms involved directly and indirectly and five

EXHIBIT PAGE 52

other law firms I have sought legal counsel for regarding this matter. Just to let you know I've hired several private investigators regarding this matter also. There are two billionaire brothers David and Charles Koch along with the different companies (including Raytheon) and their respective security companies involved that have been harassing and stalking me for the last 17 plus years for no justification except for whistleblower retaliation. They have been working in coercion and involved in this labor racketeering. I have a pending Law Suit with the Department of Justice Federal Bureau of Investigation (F.B.I.) Boston field office and the Environmental Protection Agency (E.P.A.) over the involvement of filing that Whistle Blower Complaint against Airtron Inc. located at 210 Douglas Rd E, Oldsmar, FL 34677 on January 7th 1998.

Two of my co workers told me in September of 2013 that Raytheon was retaliating against me for being a whistle blower to the EPA. They told me how the former custodian Jackie and Dan Greene the El Tech where working under cover for one of the security companies harassing and stalking me in this ongoing whistleblower case that I have been involved with for over the last 17 years. They told me how they were instructing my coworkers like David Kilbride and William Christie to say subliminal things to me in the form of pedophilia and sex offender things in an effort to make me upset. They said that Dan Greene was (using the word loosely) was sabotaging things such as tripping breakers and having the techs in ETL run the old noisy vacuum pump in an effort to harass me as examples. I also was told that Jackie was deliberately doing things like pouring very slippery floor cleaning products on the floor on where I used to get changed and unchanged into my uniform in the men's room next to the A/C shop. They also went on to say that Raytheon was videotaping and audio recording me in the Environmental Test Lab (ETL), the HVAC shop and other parts of the plants without any legitimate business reason except to harass me. I am filing several grievances. When I file those grievances, this will give me the opportunity to defend myself about the disinformation and these very serious false accusations that are being levied against me for being a sex offender and or pedophile by Raytheon. Also false accusations that I am an informant for different Government agencies by Raytheon. The fact is I am not a sex offender and or pedophile and I have no open communication with any Government Agency and have pending Law Suits respectively against the Boston F.B.I. field office and the E.P.A. for being a whistle blower to the E.P.A. when I reported Airtron Inc. located at 210 Douglas Rd E, Oldsmar, FL 34677 on January 7th 1998. Attached please review a background report prepared for me by one of my private investigators. I take personal offense to all these false accusations that are being levied against me by Raytheon.

I am filing for several grievances and I am going to mention the arc flash incident as part of the grievances. This is why I am bringing this to your attention today. I am also going to request to both you and Jim Southwick if I can request some unpaid time off while going through this grievance process which would be covered under the family medical leave act (FMLA) for work related stress. I have been suffering work-related stress because of the way Raytheon has

been retaliating and discriminating against me for being a whistle blower. I'm not going to bother to file for a worker's compensation claim because I had previously filed one with one of the other companies that has been involved in this whistleblower case. I had previously filed for emotional distress. I received a veiled threat from one of my coworkers when I was leaving the building to go home on Friday 4/18/14. I took it very seriously because of this situation. I now feel unsafe reporting to work. I have been trying to make the best of this situation and by being very friendly, cordial and out going to all my co workers. But this has been a very trying time for me and has worn on me greatly. This is why I have such a poor work attendance record while being employed at Raytheon. I will Cc you on that E-Mail that I send to Jim Southwick for the grievances.

Raytheon doesn't have my permission to call me on my home or cell phone regarding this matter or any other matter. I will only correspond by written regular or electronic mail only. Please forward any written correspondence to my P.O. Box 1055, Burlington MA only.

Thank you,

Irv Rounds

Irv Rounds

From: Irv Rounds [roundsmechanical@verizon.net]
Sent: Monday, December 15, 2014 4:32 AM
To: 'Dorman, Lance'
Cc: 'Gilson, Jeremy'
Subject: FW: Lance with Davis (Interview information for Thursday 10/9 at 10am at Noyes Sheet Metal)

Importance: High
Sensitivity: Confidential

Tracking:	Recipient	Read
	'Dorman, Lance'	Read: 12/15/2014, 7:41 AM
	'Gilson, Jeremy'	

Lance:

It has come to my attention that Noyes Sheet Metal is working in coercion and collusion with these companies and these two billionaire brothers David and Charles Koch that have been harassing and stalking me. As mentioned below. One of the labors at the job site in Waltham MA. Stated that Noyes Sheet Metal has been working in coercion and collusion with the above mentioned. While I have been working at the Waltham MA job site. He stated that they are saying to the Waltham Police Department and lying that I stole some copper pro press fittings form a job box from the plumbing contractor at that specific job site. The labor also went on to say that Noyes Sheet Metal wanted me to work un safely. One example was when I first started to work at the Waltham jobsite. Dave Sylvester one of Noyes Sheet Metals foreman wanted me to work on duct work in an open duct shaft without a safety harness. He said I hope you're not afraid of heights. The labor said the logic was that they were video and audio taping me at both the Waltham and Milford sites. By saying how unsafely I work in general. I told Dave Sylvester at a minimum I need planking to work in that the shaft. Which the labor did provide me.

As stated below. I told you how they are trying to frame myself along with one of my friends as sex offenders and or pedophiles. Now they are trying to frame me as a thief. I specifically asked you if you where working in coercion and collusion with the Koch brothers and or any of the companies as stated below. On the E-Mail you sent me on Wednesday, October 08, 2014 3:20 PM you stated the following: Neither The Davis Companies or Noyes Sheet Metal have coercion and collusion, none of us even know each other. Good luck on your interview !!! I took the job in good faith based on what you stated that neither The Davis Companies or Noyes Sheet Metal have coercion and collusion, none of us even know each other. I would have not taken the job if I knew that the only reason why the Davis Companies were hiring me was just to harass and discriminate against me.

I told you that the reason why the Koch brothers are harassing and stalking me, my family and friends. They are harassing and stalking me for several reasons. The two primary reasons are they know I have an invention that will make fossil fuels obsolete. My invention has something to do with the my H.V.A.C. profession. Their also afraid I am going to blow the whistle on them for manipulation of the oil futures market. They manipulate it to keep fuel prices artificially high which in my estimation has cost the U.S. economy 4.5 Trillion Dollars. That's with a T! In my estimation the average price per gallon of regular gasoline should be approximately \$1.85 a gallon. The second reason they manipulate it. Is to use it as a political tool. Which they have used that tool in different Presidential election years. Which swayed the public sentiment. In my opinion it cost Al Gore to lose the Presidential election. The Koch brothers logic for ramping the prices up before the 2000 election. Was to say if you put an oil man like George Bush in office. George Bush would lower energy costs. Which in my opinion again cost Al Gore to lose the 2000 Presidential election.

The Koch brothers have stopped me from bringing my invention to market. I can't roll out my invention because of my involvement in this 17 plus year harassment by the Koch brothers. I originally reported one company to the

Environmental Protection Agency for violations of the Clean Air Act while being employed down in Florida in 1998. If I told you what they did to former sister in-law, my brother in-law, my friend George O'Neil and countless other things. Along with threats against my life. You would say that's impossible. But again it's been in an effort to stop me from rolling out my invention. That's their motive. They are oil barons. This would cost them lose countless money.

While I have enjoyed working with my different co workers at Noyes Sheet Metal. The harassment and discrimination has become unbearable. Therefore I resign from the Davis Companies effective immediately for this harassment and discrimination.

Regards,

Irv Rounds
66 Francis Wyman Road
Burlington, MA 01803

CONFIDENTIALITY NOTICE:

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Irv Rounds [mailto:roundsmechanical@verizon.net]
Sent: Wednesday, October 08, 2014 9:41 PM
To: 'Dorman, Lance'
Cc: 'Therrien, Timothy'
Subject: RE: Lance with Davis (Interview information for Thursday 10/9 at 10am at Noyes Sheet Metal)
Sensitivity: Confidential

Hi Lance,

I will give you a call after the interview.

Thank you,

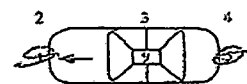
Irv Rounds

From: Dorman, Lance [mailto:ldorman@davisiteng.com]
Sent: Wednesday, October 08, 2014 3:20 PM
To: Irv Rounds
Cc: Therrien, Timothy
Subject: RE: Lance with Davis (Interview information for Thursday 10/9 at 10am at Noyes Sheet Metal)
Importance: High
Sensitivity: Confidential

Neither The Davis Companies or Noyes Sheet Metal have coercion and collusion, none of us even know each other.
Good luck on your interview !!!

Regards,

EXHIBIT PAGE 77

Section A: Crash Location					
City/Town Where Crash Occurred WATLINGTON MA		Date of Crash 3/5/15	Time of Crash 5:15 AM	# Vehicles Involved 3	
Please complete Section A1 or A2 below to indicate the location of the crash. If you need additional space to describe the crash location, please use Section J on the last page of this form.					
SECTION A1: Complete this Section if the crash occurred at an intersection of two or more streets: Step 1: Please indicate the route or roadway where you were travelling when the crash occurred: Route# _____ Name of Roadway/Street _____ Step 2: What was the name (or names) of the intersecting streets? Route# _____ Name of Roadway/Street _____ Route# _____ Name of Roadway/Street _____		OR SECTION A2: Complete this Section if the crash did NOT occur at an intersection: Step 1: Please indicate the route, roadway and address where the crash occurred: The crash occurred on Route # _____ at Street or Address Number: 15 on the Street/Roadway known as: Bedford Street Step 2: Please provide as much of the following specific location information as possible: The crash occurred (estimate number of feet) 100 feet (indicate direction as N/S/E/W) _____ of a) Mile Marker number _____ OR: b) Exit Number _____ OR: c) Intersecting Street/Roadway 3A Cambridge Street Route# _____ Name of Roadway/Street _____ OR: d) Landmark _____			
Section B: Vehicle You Were Driving					
Number of occupants in vehicle (including yourself): 2		Was vehicle damage above \$1000? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Driver's License Number S28103005	License State MA	Date of Birth 5/26/82	Age 32	Sex M	License Class A
Your Full Name (Last, First, Middle) ROUNDS SUZANNE M		Street Address 66 FRANCIS WYMAN RD			
City/Town WATLINGTON MA		State MA			
Zip 01903					
Insurance Company Plymouth Rock Assurance	Vehicle Registration # SNS9AW	Reg. State MA	Vehicle Year 2006	Vehicle Make Ford	
Indicate your type of vehicle					
1 Passenger car 4 Bus (15 or more passengers) 8 Truck/trailer 12 Tractor/triples 97 Other 2 Light truck (van, mini-van, pick-up, sport utility) 5 Bus (7-15 passengers) 9 Truck tractor (bobtail) 13 Unknown heavy truck 99 Unknown 3 Motorcycle 6 Single-unit truck (2 axles) 10 Tractor/semi-trailer 14 Motor home/recreational vehicle 7 Single-unit truck (3 or more axles) 11 Tractor/doubles					
Full Name of Vehicle Owner (Last, First, Middle) ROUNDS SUZANNE M		Street Address 66 FRANCIS WYMAN RD			
City/Town WATLINGTON MA		State MA			
Zip 01903					
What Was Your Vehicle Doing Prior to the Crash?					
Vehicle Travel Direction: N S E W 1 Travelling straight ahead 4 Turning left 7 Leaving traffic lane 10 Backing 97 Other 2 Stopping or stopped 5 Changing lanes 8 Making U-turn 11 Parked 99 Unknown 3 Turning right 6 Entering traffic lane 9 Overtaking/passing					
Please Indicate the Sequence of Events as they occurred to YOUR Vehicle by writing the corresponding number (1-52, or 97, 99) in up to 4 boxes below.					
What happened first? <div style="border: 1px solid black; padding: 2px; width: 30px; text-align: center;">1</div>	What happened 2nd (if applicable)? <div style="border: 1px solid black; padding: 2px; width: 30px; text-align: center;"></div>	What happened 3rd (if applicable)? <div style="border: 1px solid black; padding: 2px; width: 30px; text-align: center;"></div>	What happened 4th (if applicable)? <div style="border: 1px solid black; padding: 2px; width: 30px; text-align: center;"></div>		
Collision with 1 Motor vehicle in traffic 23 Light pole or other post/support 2 Parked motor vehicle 24 Guardrail 3 Pedestrian 25 Median barrier 4 Cyclist 26 Ditch 5 Animal- deer 27 Embankment/Sloping shoulder 6 Animal- other 28 Highway traffic signpost 7 Moped 29 Overhead sign support 8 Work zone maintenance equipment 30 Fence 9 Railway vehicle (train, engine) 31 Mailbox 10 Other movable object 32 Crash cushion/Impact attenuator 11 Unknown movable object 33 Bridge 20 Curb 34 Bridge overhead structure 21 Tree 35 Other fixed object (wall, building, tunnel) 22 Utility pole 36 Unknown fixed object			Non-Collision 40 Ran off road right 41 Ran off road left 42 Cross median/centerline 43 Overturn/rollover 44 Equipment failure (blown tire, brakes, etc) 45 Fire/explosion 46 Immersion 47 Jackknife 48 Cargo/equipment loss or shift 49 Separation of units 50 Downhill runaway 51 Other non-collision 52 Unknown non-collision 97 Other 99 Unknown		
Was your Vehicle Towed From the Scene Due to Damage? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Vehicle Damaged Area (circle up to three) 			

EXHIBIT

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Section C: You and Your Passenger

Please provide the full name, address, and DOB or Age for all passengers in your vehicle. Then write the corresponding code in each of the boxes for each occupant of the vehicle (yourself and all passengers). A list of the possible codes is provided at the bottom of this section.

		Date of Birth/Age	Sex M/F	A	B	C	D	E	F	G	H	Name of Medical Facility
Driver (See previous page) Roynolds, Suzanne M.		66 Francis Avenue Burlington, MA 01803	F	1	1	4	1	0	0	3		
Name of Passenger 1 (Last, First, Middle)		Address										
		City/Town	State	Zip								
Name of Passenger 2 (Last, First, Middle)		Address										
		City/Town	State	Zip								
Name of Passenger 3 (Last, First, Middle)		Address										
		City/Town	State	Zip								

A. Seating Position 1 Front seat - left side (or motorcycle driver) 2 Front seat - middle 3 Front seat - right side 4 Second seat - left side (or motorcycle passenger) 5 Second seat - middle 6 Second seat - right side 7 Third row - left side (or motorcycle passenger) 8 Third row - middle 9 Third row - right side 10 Sleeper section of cab 11 Enclosed passenger area 12 Unenclosed passenger area 13 Trailing unit 14 Riding on vehicle exterior 99 Other 99 Unknown		B. Safety System Used 0 None used 1 Shoulder and lap belt 2 Lap belt only 3 Shoulder belt only 4 Child safety seat 5 Helmet 99 Unknown		C. Air Bag Status 1 Deployed-front 2 Deployed-side 3 Deployed both front and side 4 Not deployed 5 Not applicable 99 Unknown		D. Air Bag Switch 1 Switch in ON position 2 Switch in OFF position 3 ON-OFF switch not present 4 Unknown if switch is present 99 Unknown	
---	--	--	--	---	--	--	--

E. Ejected From Vehicle? 0 Not ejected 1 Totally ejected 2 Partially ejected 3 Not applicable 99 Unknown		F. Trapped? 0 Not trapped 1 Freed by mechanical means 2 Freed by non-mechanical means 99 Unknown		G. Injured? 1 Fatal injury Non-fatal injury: 2 Incapacitating 3 Non-incapacitating 4 Possible 5 No injury 99 Unknown		H. Transported for Medical Care? 1 Not transported 2 EMS (emergency service) 3 Police 97 Other 99 Unknown	
--	--	---	--	--	--	---	--

Section D: Other Vehicle(s) Involved in the Crash

Number of occupants in the Vehicle: **3** Number of injured occupants: **0** Was Vehicle Damaged? ☒ Yes ☐ No Moped? ☐ Yes ☒ No Hit and Run? ☐ Yes ☒ No

Driver's License Number: **S24695256** License State: **MA** Date of Birth: **5/2/73** Age: **31** Sex: **M** License Class: **A** Commercial Driver's License Endorsements: **H** Hazardous **N** Tank vehicles **P** Passenger transport **T** Doubles/Triples **X** Tank and Hazardous

Full Name of Vehicle Driver (Last, First, Middle): **Breham, Natalie A** Street Address: **8 Evelyn Street** City/Town: **Burlington** State: **MA** Zip: **01803**

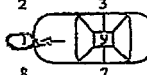
Insurance Company: **Commerce Tail** Vehicle Registration #: **271HDP6** Reg. State: **MA** Vehicle Year: **2008** Vehicle Make: **Honda**

Indicate type of vehicle:

1 Passenger car	4 Bus (15 or more passengers)	8 Truck/trailer	12 Tractor/triples	97 Other
2 Light truck (van, mini-van, pick-up, sport utility)	5 Bus (7-15 passengers)	9 Truck tractor (bobtail)	13 Unknown heavy truck	99 Unknown
3 Motorcycle	6 Single-unit truck (2 axles)	10 Tractor/semi-trailer	14 Motor home/recreational vehicle	
	7 Single-unit truck (3 or more axles)	11 Tractor/doubles		

Full Name of Vehicle Owner (Last, First, Middle): **Breham, Natalie A** Street Address: **8 Evelyn St** City/Town: **Burlington** State: **MA** Zip: **01803**

Vehicle Travel Direction: **SE** What Was the Vehicle Doing Prior to the Crash?
 1 Travelling straight ahead 4 Turning left 7 Leaving traffic lane 10 Backing 97 Other
 2 Slowing or stopped 5 Changing lanes 8 Making U-turn 11 Parked 99 Unknown
 3 Turning right 6 Entering traffic lane 9 Overtaking/passing

Vehicle Damaged Area (circle up to three):

 0 None 11 Totalled 97 Other 99 Unknown

Section E: Non-Motorist(s) Involved in the Crash

Indicate the type of non-motorist involved: 1 Pedestrian 2 Cyclist 3 Stroller 97 Other 99 Unknown

What was the non-motorist doing prior to the crash?
 1 Entering a crossing location 6 Working on vehicle
 2 Walking, running, or cycling 7 Standing
 3 Working 97 Other
 4 Pushing vehicle 99 Unknown
 5 Approaching or leaving vehicle

Where was the non-motorist prior to the crash?
 1 Marked crosswalk at intersection 6 Median (but not on shoulder)
 2 At intersection but no crosswalk 7 Island
 3 Non-intersection crosswalk 8 Shoulder
 4 In roadway 9 Sidewalk
 5 Not in roadway 10 Shared-use path or trails
 99 Unknown

Date of Birth/Age: Sex: Full Name of Non-Motorist (Last, First, Middle): Street Address: City/Town: State: Zip:

Safety Equipment? 0 None used 9 Lighting 6 Helmet 10 Other 7 Protective pads (elbows, knees, etc.) 99 Unknown 8 Reflective clothing

Injured? 1 Fatal injury Non-fatal injury: 2 Incapacitating 5 No injury 3 Non-incapacitating 99 Unknown

Transported for Medical Care? 1 Not transported 97 Other 2 EMS (emergency service) 99 Unknown 3 Police

If transported, please indicate Hospital/Medical Facility:

EXHIBIT

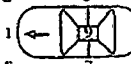
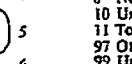
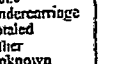
PAGE 114

Section C: You and Your Passengers

Please provide the full name, address, and DOB or Age for all passengers in your vehicle. Then write the corresponding code in each of the boxes for each occupant of the vehicle (yourself and all passengers). A list of the possible codes is provided at the bottom of this section.

		Date of Birth/Age	Sex M/F	A	B	C	D	E	F	G	H	Name of Medical Facility
Driver (See previous page)												
Name of Passenger 1 (Last, First, Middle)												
Address												
City/Town												
State												
Zip												
Name of Passenger 2 (Last, First, Middle)												
Address												
City/Town												
State												
Zip												
Name of Passenger 3 (Last, First, Middle)												
Address												
City/Town												
State												
Zip												
A. Seating Position 1 Front seat - left side (or motorcycle driver) 2 Front seat - middle 3 Front seat - right side 4 Second seat - left side (or motorcycle passenger) 5 Second seat - middle 6 Second seat - right side 7 Third row - left side (or motorcycle passenger) 8 Third row - middle 9 Third row - right side 10 Sleeper section of cab 11 Enclosed passenger area 12 Unenclosed passenger area 13 Trailing unit 14 Riding on vehicle exterior 97 Other 99 Unknown												
B. Safety System Used 0 None used 1 Shoulder and lap belt 2 Lap belt only 3 Shoulder belt only 4 Child safety seat 5 Helmet 99 Unknown												
C. Air Bag Status 1 Deployed-front 2 Deployed-side 3 Deployed both front and side 4 Not deployed 5 Not applicable 99 Unknown												
D. Air Bag Switch 1 Switch in ON position 2 Switch in OFF position 3 ON-OFF switch not present 4 Unknown if switch is present 99 Unknown												
E. Ejected From Vehicle? 0 Not ejected 1 Totally ejected 2 Partially ejected 3 Not applicable 99 Unknown												
F. Trapped? 0 Not trapped 1 Freed by mechanical means 2 Freed by non-mechanical means 99 Unknown												
G. Injured? 1 Fatal injury Non-fatal injury: 2 Incapacitating 3 Non-incapacitating 4 Possible 5 No injury 99 Unknown												
H. Transported for Medical Care? 1 Not transported 2 EMS (emergency service) 3 Police 97 Other 99 Unknown												

Section D: Other Vehicle(s) Involved in the Crash

Number of occupants in the vehicle: <u>1</u>		Number of injured occupants: <u>0</u>		Was Vehicle Damage above \$1000? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Maped? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Hit and Run? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Driver's License Number: <u>235067091NH</u>		License State: <u>NH</u>		Date of Birth: <u>05/15/74</u>		Age: <u>30</u>		Sex: <u>M</u>	
Full Name of Vehicle Driver (Last, First, Middle): <u>Bouras, Dana</u>		Street Address: <u>22 Cider Lane</u>		City/Town: <u>Nashua</u>		State: <u>NH</u>		Zip: <u>03063</u>	
Insurance Company: <u>Geico</u>		Vehicle Registration: <u>04670730374</u>		Reg. State: <u>NH</u>		Vehicle Year: <u>2005</u>		Vehicle Make: <u>Acura</u>	
Indicate type of vehicle 1 Passenger car 2 Light truck (van, mini-van, pick-up, sport utility) 3 Motorcycle 4 Bus (15 or more passengers) 5 Bus (7-15 passengers) 6 Single-unit truck (2 axles) 7 Single-unit truck (3 or more axles) 8 Truck/trailer 9 Truck tractor (bobtail) 10 Tractor/semi-trailer 11 Tractor/doubles 12 Tractor/triples 13 Unknown heavy truck 14 Motor home/recreational vehicle 97 Other 99 Unknown									
Full Name of Vehicle Owner (Last, First, Middle): <u>Bouras, Dana</u>				Street Address: <u>22 Cider Lane</u>		City/Town: <u>Nashua</u>		State: <u>NH</u>	
Vehicle Travel Direction: <u>N S</u> <u>E W</u>		What Was the Vehicle Doing Prior to the Crash? 1 Travelling straight ahead 2 Slowing or stopped 3 Turning right 4 Turning left 5 Changing lanes 6 Entering traffic lane 7 Leaving traffic lane 8 Making U-turn 9 Overtaking/passing				Vehicle Damaged Area (Circle up to three) 1  2  3  4 None 5 Undercarriage 6 Towed 7 Other 99 Unknown			

Section E: Non-Motorist(s) Involved in the Crash

Indicate the type of non-motorist involved		1 Pedestrian		2 Cyclist		3 Skater		97 Other		99 Unknown	
What was the non-motorist doing prior to the crash?						Where was the non-motorist prior to the crash?					
1 Entering or crossing location 2 Walking, running, or cycling 3 Working 4 Pushing vehicle 5 Approaching or leaving vehicle 6 Working on vehicle 7 Standing 97 Other 99 Unknown						1 Marked crosswalk at intersection 2 At intersection but no crosswalk 3 Non-intersection crosswalk 4 In roadway 5 Not in roadway 6 Median (but not on shoulder) 7 Island 8 Shoulder 9 Sidewalk 10 Shared-use path or trails 99 Unknown					
Date of Birth/Age		Sex M/F		Full Name of Non-Motorist (Last, First, Middle)		Street Address		City/Town		State Zip	
Safety Equipment? 0 None used 6 Helmet 7 Protective pads (elbows, knees, etc.) 8 Reflective clothing 9 Lighting 10 Other 99 Unknown						Injured? 1 Fatal injury Non-fatal injury: 2 Incapacitating 3 Non-incapacitating 4 Possible 5 No injury 99 Unknown					
Transported for Medical Care? 1 Not transported 2 EMS (emergency service) 3 Police 97 Other 99 Unknown If transported, please indicate Hospital/Medical Facility:											

Section F: Crash Conditions					
Light Conditions 1 Daylight 2 Dawn 3 Dusk 4 Dark - lighted roadway 5 Dark - roadway not lighted 6 Dark - unknown roadway lighting 97 Other 99 Unknown	Weather Conditions (up to two) 1 Clear 2 Cloudy 3 Rain 4 Snow 5 Sleet, hail, freezing rain 6 Fog, smog, smoke 7 Severe crosswinds 8 Blowing sand, snow 97 Other 99 Unknown	Traffic Control Device 1 No controls 2 Stop signs 3 Traffic control signal 4 Flashing traffic control signal 5 Yield signs 6 School zone signs 7 Warning signs 8 Railroad crossing device 99 Unknown	Was the traffic control device functioning at the time of the crash? 1 <input checked="" type="checkbox"/> Yes 2 <input type="checkbox"/> No	Road Surface 1 Dry 2 Wet 3 Snow 4 Ice 5 Sand, mud, dirt, oil, gravel 6 Water (standing, moving) 7 Slush 97 Other 99 Unknown	Roadway Intersection Type 1 Not at intersection 2 Four-way intersection 3 T-intersection 4 Y-intersection 5 On ramp 6 Off ramp 7 Traffic circle 8 Five-point or more 9 Driveway 10 Railway grade crossing 99 Unknown
Trafficway Description 1 Two-way, not divided 2 Two-way, divided, unprotected median 3 Two-way, divided, protected median 4 One-way, not divided 99 Unknown	School Bus Related? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No	Work Zone Related? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No	Manner of Collision 1 Single vehicle crash 2 Rear-end 3 Angle 4 Sideswipe, same direction 5 Sideswipe, opposite direction 6 Head on 7 Rear to rear 99 Unknown		

Section G: Crash Diagram	
<div style="border: 1px solid black; padding: 5px; width: 50px; float: left; margin-bottom: 10px;"> Indicate North by Arrow </div> <div style="border: 1px solid black; height: 150px; position: relative;"> <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%); font-size: 2em;"> 3 → 1 → 3 → </div> <div style="position: absolute; bottom: 10%; left: 10%; font-size: 1.5em;"> 15 Bedford Street </div> <div style="position: absolute; right: 10%; top: 50%; transform: rotate(90deg); font-size: 1.5em;"> Cambridge Street </div> </div>	<p>Please draw a diagram of the roadway or streets where the crash occurred, indicating the vehicles involved and direction of travel using the following symbols:</p> <ul style="list-style-type: none"> → = Direction 1 = Vehicle 1 (Your Vehicle) 2 = Vehicle 2 ○ = Pedestrian/Non-motorist ⊙ = North <p>Select one of the following if the crash did not occur on a public way:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Off-street parking lot <input type="checkbox"/> Garage <input type="checkbox"/> Mall/shopping center <input type="checkbox"/> Other private way

Section H: Witness Information		
Witness Name (Last, First, Middle)	Address	Phone

Section I: Property Damage Information (Other than Vehicles)			
Owner Name (Last, First, Middle)	Address	Phone	Property and Damage Description

Section J: Description of What Happened
Approx. 6:15 p.m. Thursday, March 5 th I was headed east on Bedford St. I was at a complete stop at the red light when I was rear ended by vehicle #2 which pushed me into car #3.

Section K: Signature		
Signature: <u>Suzanne Rounds</u> <small>"Signed under Pains and Penalties of Perjury"</small>	Print: <u>Suzanne Rounds</u>	Date: <u>3/8/2015</u>

Irving F. Rounds Jr.

From: Irving F. Rounds Jr. <Sheehan055@comcast.net>
Sent: Tuesday, May 8, 2018 10:03 AM
To: 'belister@aol.com'
Subject: RE: Email Sent On 3/6/15

Hi Betsy,

As I just told you, I have some very serious Legal issues with the Department of Justice (DOJ) as it relates directly with a whistle blowing case I'm involved in, regarding Charles and David Koch AKA the Koch brothers. One of my Attorneys private investigators has a source (whistle blower) in the Boston F.B.I. filed office, that states that 2 F.B.I. Agents staged the car crash with my ex-wife on 3/5/2015. They allegedly staged the car crash so when they sent me that bogus email the next day, I would click on that hyperlink and then they could then hack into my computer.

I then went to the Massachusetts State Police Detectives Unit in Woburn and spoke with Sargent Bruce O'Rourke about that and along with other Legal matters regarding my involvement with this whistle blowing case. There is no other action required by you and or your insurance company at the time. I appreciate you acknowledging that you didn't send this email.

Thank you,

Irving F. Rounds JR.
246 Beacon Street
Apartment 1
Clinton, MA 01510

From: belister@aol.com <belister@aol.com>
Sent: Tuesday, May 8, 2018 9:42 AM
To: Sheehan055@comcast.net
Subject: Re: Email Sent On 3/6/15

I never sent this email to you! Somebody used my "NAME" to affix to a bogus email address. The only email address that I used for business back in 2015 was BELister@aol.com.

I've NEVER had an email address of that nature; this appears to be a phishing email whereas it was sent to numerous people.

Betsy E Lister
BELister@aol.com

In a message dated 5/8/2018 9:35:39 AM Eastern Standard Time, Sheehan055@comcast.net writes:

Hi Betsy,

I need to do a follow up question regarding an email sent to me (see screen shot below) on 3/6/15. As we discussed, this was regarding when at the time I had told you that this email was sent to me the day after 2 cars deliberately staged a car crash with my ex-wife Suzanne, which was in an effort so I would click on the emails

EXHIBIT

1

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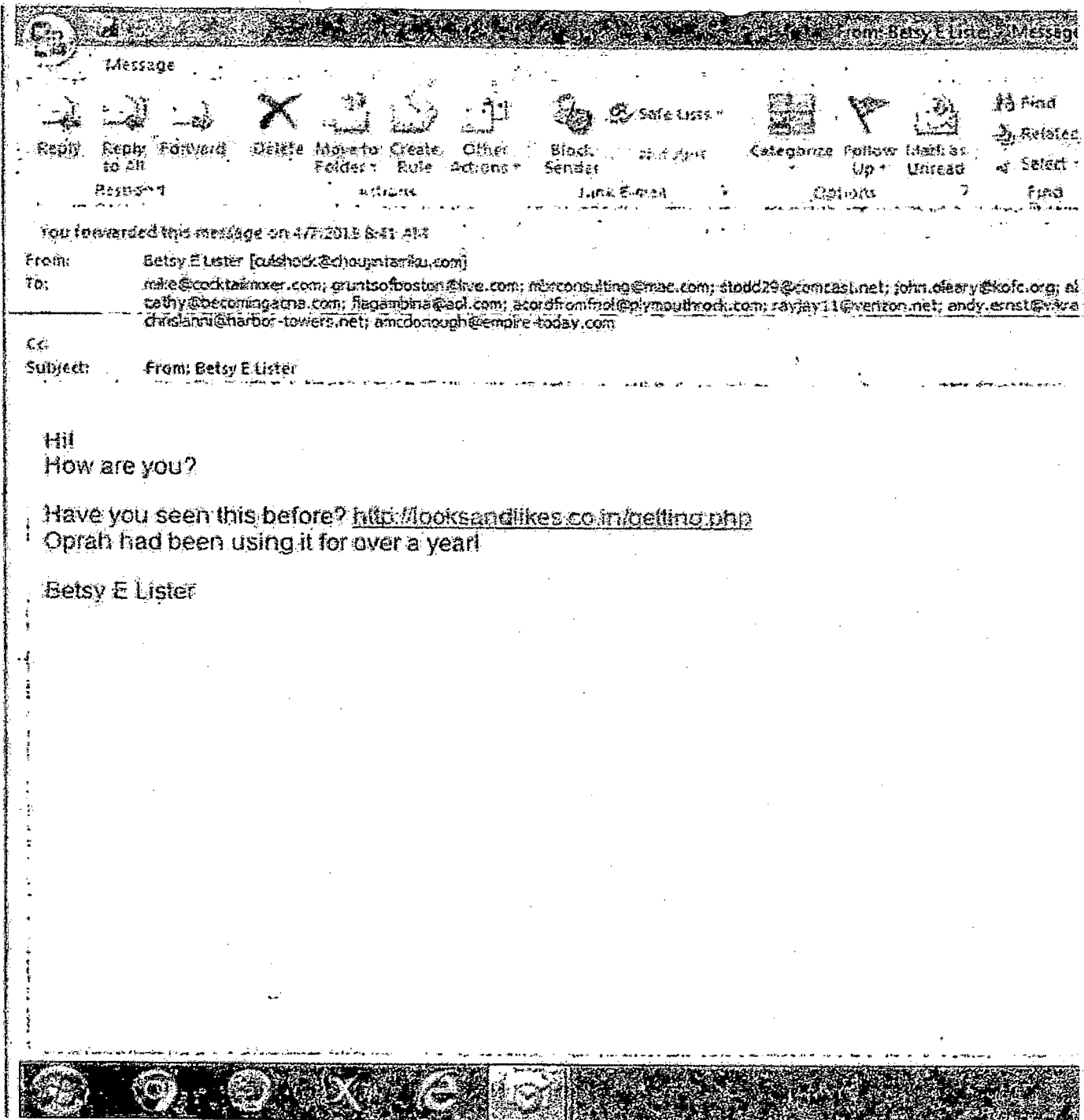
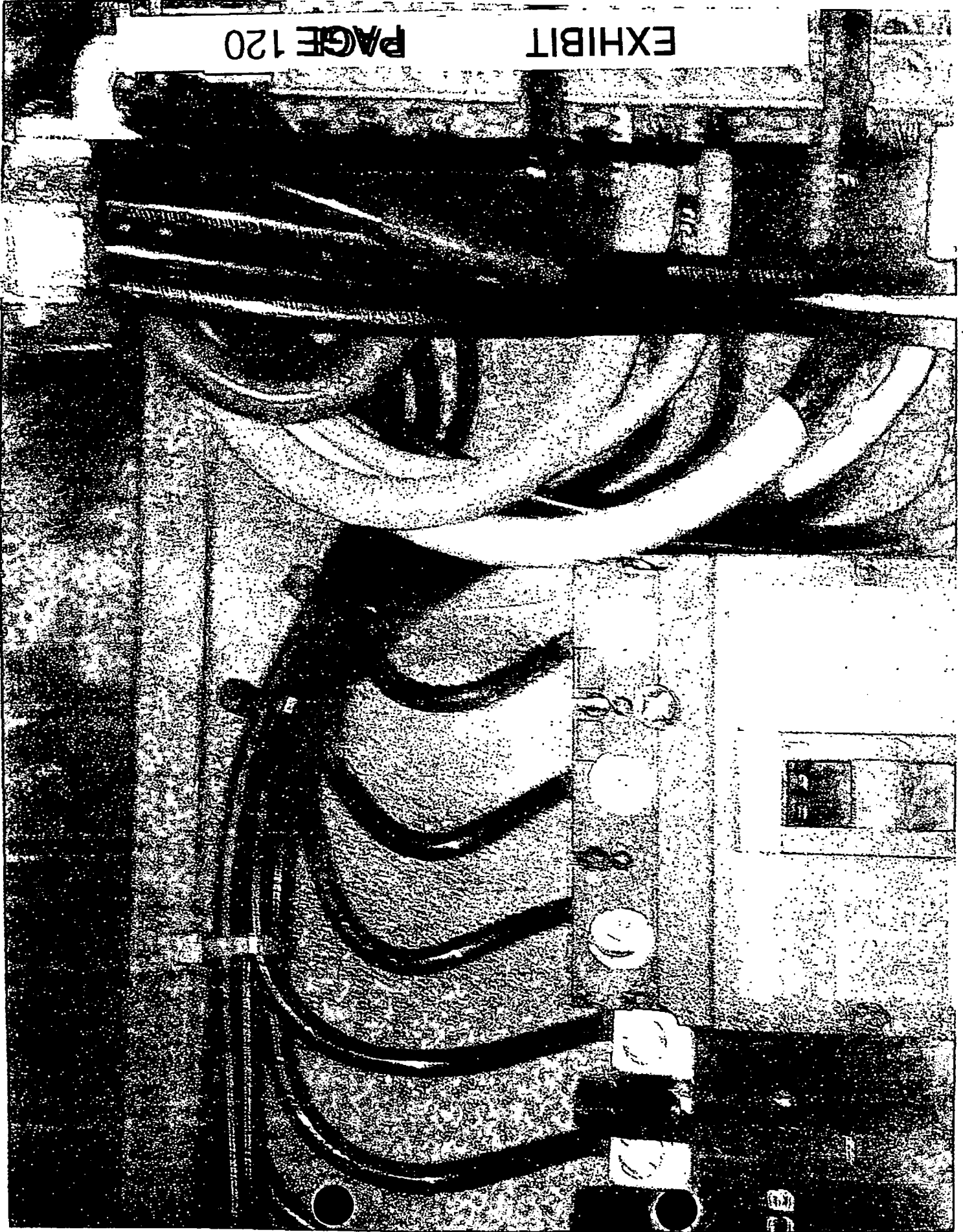


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EXHIBIT



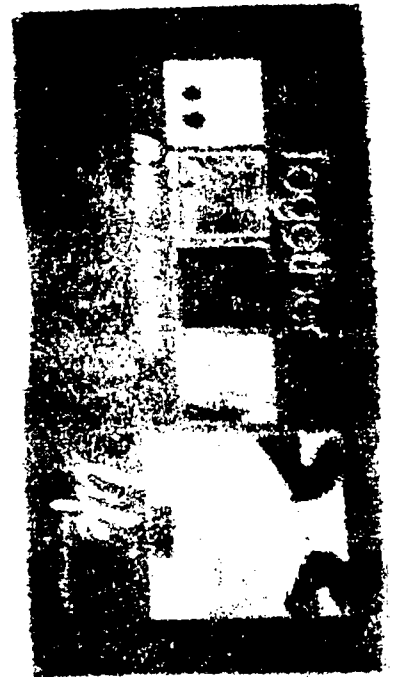


EXHIBIT PAGE 121

From: iCloud cloudnet@posteo.net
Subject: [Important]:
roundsmechanical@verizon.net You've to
check your Apple-ID.
Date: Aug 28, 2017, 4:19:21 PM
To: roundsmechanical@verizon.net



iCloud Support.

Your Apple-ID is [-small-].

Attention Please ! You've to check your
info in order to continue using Pages,
Numbers, and Keynote ... for iCloud.



iCloud

iCloud is a service provided by Apple. Apple ID | Support |
Terms and Conditions | Privacy Policy
Copyright © 2017 Apple Distribution International, Hollyhill
Industrial Estate, Hollyhill, Cork, Republic of Ireland.
All rights reserved.

EXHIBIT PAGE 192

samir ialou, 2/455 Ocean Beach Rd, Umina
Bea, elouedi 31000, Algeria

You may unsubscribe or change your contact
details at any time.

EXAMPLE

F.B.I. sent me a
gratious email so I
would click on it so
the F.B.I. could hack
into my computer

From: Louis Vitiello louisvitiello@yahoo.com
Subject: Sign and Return
Date: Apr 6, 2017, 1:52:51 PM

Please Sign and Return Attachment!

EXAMPLE Plaintiff
Attorney General
backed into

Louis R. Vitiello, Esq.
Law Office of Louis Vitiello
4 Redcoat Lane
Lexington, MA 02420-1706
Tel: 781-862-6983 Fax: 1-888-862-0401

Confidentiality Notice:

This email contains confidential information from the office of Louis R. Vitiello, Esq.. This information is for the exclusive use of the individual or entity named as recipient. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this email for any reason is prohibited. If you have received this email in error, please notify the sender immediately and delete this message and any attachments.

EXHIBIT PAGE 225

PLEASE DOWNLOAD YOUR DOCUMENT HERE

View On Adobe

PDF



Secured PDF Online Document

EXHIBIT PAGE 227

From: Irv Rounds
roundsmechanical@verizon.net
Subject: Re: IMPORTANT DOCUMENT
Date: Jun 22, 2018 at 2:25:26 PM
To: Todd Mohr
michealharry14@mail.com

Hi Todd,

I just texted Gaytri saying that I have been receiving some bogus emails. So please reply back with the correct office phone number because I tried calling the one that was listed on the email and it came up as a disconnected number. Please advise.

Thanks,

Irv Rounds

Sent from my iPhone

On Jun 22, 2018, at 1:18 PM, Todd Mohr
<TMohr@aerrotek.com> wrote:

EXHIBIT PAGE 248

Hello.

Check the new important document from
Docu Sign CLICK HERE let me know if
you receive it

THANKS,

Dr. Gaytri D. Kachroo
Principal
KLS -KACHROO LEGAL SERVICES, P.C.
236 Concord Ave. Ste 2
Cambridge, MA 02138
Office: 781-599-2109
Facsimile: 1-781-599-0862

Mobile: 774-232-2865

<http://www.kachroolegal.com/>

This message may contain information which is privileged and/or confidential under applicable law. If you are not the intended recipient or such recipient's employee or agent, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us. Please delete and empty this communication without making any copies. Thank you. // Ce message est confidentiel, peut être

protégé par le secret professionnel, et est à l'usage exclusif du destinataire. Toute autre personne est par les présentes avisée qu'il lui est strictement interdit de le diffuser, distribuer ou reproduire. Si vous avez reçu ce message par erreur, veuillez nous en aviser immédiatement et détruire ce message. Merci.

**Hi Irv: this was a
spam email sent
by someone else
not me! Apolo-
gies. This is a
good phone
number for me!
Thanks! Best,
Gaytri**

EXHIBIT PAGE 252

Thanks Gaytri!

Hi Irv: this was a
great idea. I'll be
in touch with you
me. Also text me
a good office
phone number
likewise. Thanks
Irv Rounds

EXHIBIT PAGE 253

Hi Irv: this was a

EXHIBIT PAGE 254

iMessage
Fri, Jun 22, 2:15 PM

Iodd Mohr



Details

**IMPORTANT
DOCUMENT**

Today at 1:18 PM

Hello.

EXHIBIT PAGE 255

Check the new
important document
from Docu Sign

Irv Rounds

From: J.S. Wigand, MA, Ph.D., MAT, Sc.D. [jwigand@jeffreywigand.com]
Sent: Wednesday, August 08, 2018 2:48 PM
To: Irv Rounds
Cc: insider@me.com; jswigand@gmail.com
Subject: Re: 1998 Environmental Protection Agency (EPA) Whistle Blowing

Just to be clear, I never received any communication I asked for during our telecom exchange on 30 July 2018 at theinsider@me.com.

Now the next matter, I have never received any email or electronic communications from you in either 2014 or 2011 as you state. I have no evidence on my computer hard drive of these alleged communications.

Thank you and good luck.

Quoting Irv Rounds <roundsmechanical@verizon.net>:

> Hi Jeff,
>
>
>
> I'm just doing a follow up to you on the email I sent you on July 29th
> with the subject line 1998 Environmental Protection Agency (EPA)
> Whistle Blowing and the one sent to you on July 30th with the subject
> line Privileged Communication.
>
>
>
> You told me on Monday July 30th to send the email with the subject
> line of Privileged Communication to your other email address at
> theinsider@me.com which I did. You told me send it to that email
> address versus jwigand@jeffreywigand.com which I had originally
> corresponded with, because you said that they had hacked into that
> email address before. I'm not sure who you were referring to? For
> today I'm sending this email to all 3 of your email addresses.
>
>
>
> You told me over the phone when you called me on Monday morning July
> 30th, to send that email because you had gone back through all your
> emails and found that you did in fact not send me any of those emails
> back and forth starting on Thursday, December 22, 2011 4:13 PM through
> Monday, December 22,
> 2014 11:18 AM.
>
>
>
> The significance to the original email I started sending you on
> Thursday, December 22, 2011 at 4:13 PM, was that if it didn't go to
> you, then it was manipulated at Verizon's email servers and re
> directed to someone else, when I thought I was then communicating with you.
>
>

EXHIBIT PAGE 286

> you. The other question is, can you please read the complete email
> string and verify that you did in fact not email me the below emails that I thought I was
corresponding with you, or was it someone else.
>
>
>
> I don't need you now to have it notarized and get involved in any
> legal way, except reply back and let me know whether I was emailing
> with you or someone else. I would greatly appreciate your response. I
> originally got the idea from you and another whistleblower to blow the whistle on the
H.V.A.C.
> industry for violations of the Clean Air Act, specifically venting
> refrigerants, exploiting the elderly in the form of selling them
> things that they didn't need by using high pressure sales tactics and
> also to keep quiet about severe mold problems being created by some of
> the HVAC systems that the company I was working for at the time,
> Airtron was installing. The severe mold in the duct systems was making
> some people sick and in rare cases where some people are highly
> allergic to mold, they died. Like a young boy that died in New Port Richey Florida.
>
>
>
> On 5/9/2018 I was forced to file a Lawsuit against Charles and David
> Koch a.k.a. the Koch brothers, which were part owners of Airtron at the
> time, United States Government Department of Justice, U.S. Deputy
> Attorney General Rod Rosenstein, Special Counsel and former F.B.I.
> Director Robert Mueller and Congressman Robert Goodlatte Chairman of
> the DOJ's oversight committee (Civil Action) 4:18-CV- 40066-DHH. As
> you know it is very trying to be involved in these very high profile
> cases. I have been involved with this now for over 21 years and has easily taken 21 years
off my life.
>
>
>
> I would like to thank you in advance for your response.
>
>
>
> Regards,
>
>
>
> Irving F. Rounds JR.
>
> 246 Beacon Street Apartment 1
>
> Clinton, MA 01510
>
> Cell (781)-504-8974
>
> Home/Fax (978)-368-8745
>
>
>
>
>
> From: Irv Rounds [mailto:roundsmechanical@verizon.net]

EXHIBIT PAGE 288

> Sent: Monday, December 2, 2014 11:18 AM
> To: 'jwigand@jeffreywigand.com'
> Subject: FW: 1998 Environmental Protection Agency (EPA) Whistle
> Blowing
> Importance: High
> Sensitivity: Confidential
>
>
>
> Jeff:
>
>
>
> My name is Irv Rounds. I am involved in a very high profile whistle
> blower case that involves the Koch brothers. Can you please tell me if
> this was your E-Mail that was sent back to me on Tuesday, January 03, 2012 2:18 PM?
> Or was it manipulated by someone else? I originally reported a company
> called Airtron to the E.P.A. for violations of the Clean Air Act. This
> thing has snowed balled and morphed into this huge case. If you want
> you can give me a call on my cell phone. (781)-504-8974. If it was manipulated by others.
> Can you please print this E-Mail. Sign it saying that you did not
> originally send it to me. Have it notarized. And either E-Mail mail it
> back to me or fax it to me. The fax number is (781)-270-0377.
>
>
>
> Thank you,
>
>
>
> Irv Rounds
>
>
>
> From: irv rounds [mailto:roundsmechanical@verizon.net]
> Sent: Thursday, January 05, 2012 5:16 AM
> To: 'J.S. Wigand, MA, Ph.D., MAT, Sc.D.'
> Subject: RE: FW: 1998 Environmental Protection Agency (EPA) Whistle
> Blowing
>
>
>
> Thanks Jeff.

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> Irv
>
>
>
>
> From: J.S. Wigand, MA, Ph.D., MAT, Sc.D.
> [mailto:jwigand@jeffreywigand.com]
> Sent: Wednesday, January 04, 2012 7:17 PM
> To: irv rounds
> Subject: RE: FW: 1998 Environmental Protection Agency (EPA) Whistle
> Blowing
>

>
>
> Please note that me cell phone number has changed. See below at
> signature block.
>
>
> Quoting irv rounds <roundsmechanical@verizon.net>:
>
>> Hi Jeff,
>>
>>
>>
>> I want to thank you for getting back to me. My hope is that the EPA
>> will
> sit
>> down and talk with me to help bring this to a conclusion. If not I
>> intend
> to
>> make a legal maneuver. Either way once this does go public there is a
> couple
>> of things you could assist me with. Hopefully this will be within the
>> next couple of weeks. I will call you on your cell phone number (843) 367-4200.
> I
>> am looking forward to speaking with you.
>>
>>
>>
>> Thanks,
>>
>>
>>
>> Irv Rounds
>>
>> From: J.S. Wigand, MA, Ph.D., MAT, Sc.D.
> [mailto:jwigand@jeffreywigand.com]
>> Sent: Tuesday, January 03, 2012 2:18 PM
>> To: irv rounds
>> Subject: Re: FW: 1998 Environmental Protection Agency (EPA) Whistle
> Blowing
>>
>>
>>
>> How can I help??
>>
>> How can I contact you??
>>
>>
>> Quoting irv rounds <roundsmechanical@verizon.net>:
>>
>>> Hi Jeff,
>>>
>>>
>>>
>>> I am sorry to bother you around the holiday's, but if you could
>>> please
>> give
>>> me any help with my Whistle Blowing case I would really appreciate

EXHIBIT PAGE 290

>>> it. I
>> am
>>> just trying to get my story out. It is a very long in-depth complex case.
>> As
>>> unbelievable as it might appear, I have had (3) different Attorneys
>>> try
> to
>>> contact the E.P.A., specifically the original Special Agent Dan
>>> Green who coerced me to come forward under the pretense of complete
>>> immunity and a full witness protection program. This was based on
>>> threats I had received over the phone and in my mail box and the actual sheer size of the
case.
> I
>>> intend to lay it all out in full detail when I go public. Any
>>> support you could provide me regarding this matter would be greatly appreciated.
>>>
>>>
>>> Thanks,
>>>
>>>
>>>
>>> Irv Rounds
>>>
>>>
>>>
>>> From: irv rounds [mailto:roundsmechanical@verizon.net]
>>> Sent: Thursday, December 22, 2011 4:13 PM
>>> To: 'jwigand@jeffreywigand.com'
>>> Subject: 1998 Environmental Protection Agency (EPA) Whistle Blowing
>>>
>>>
>>>
>>> Hi Jeff,
>>>
>>>
>>>
>>> My name is Irv Rounds. You originally inspired me to report my
>>> former employer I used to work for in
>> [Truncated Text]
>
> J.S. Wigand, MA, Ph.D., MAT, Sc.D.
>
> CONTACT INFORMATION:
>
> SMOKE-FREE KIDS, Inc.
> PO Box 527
> Mt.Pleasant, MI 48804
>
> (989) 772-4063 Office
> (989) 779-8730 FAX
> (989) 854-6262 Cell
>
> Web Site:
> www.jeffreywigand.com
> www.smokefreekids.org
>

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> theinsider@me.com

>

> "Few will have the greatness to bend history itself; but each of us
> can work to change a small portion of events, and in the total of
> these acts, will be written the history of this generation."
> R.F. Kennedy

>

>

> NOTICE:

>

> This communication may contain privileged or other confidential information.
> If you are not the intended recipient, or believe that you have
> received this communication in error, please do not print, copy,
> retransmit, disseminate, or otherwise use this information. In
> addition, please indicate to the sender that you have received this
> communication in error and delete the copy you have received.

>

> Thank you.

J.S. Wigand, MA, Ph.D., MAT, Sc.D.

CONTACT INFORMATION:

SMOKE-FREE KIDS, Inc.
PO Box 527
Mt.Pleasant, MI 48804

(989) 772-4063 Office
(989) 779-8730 FAX
(989) 854-6262 Cell

Web Site:

www.jeffreywigand.com
www.smokefreekids.org

E-mail:

jwigand@jeffreywigand.com
jswigand@gmail.com
theinsider@me.com

"Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of these acts, will be written the history of this generation."

R.F. Kennedy

NOTICE:

This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this information. In addition,

> E-mail:
> jwigand@jeffreywigand.com
> iswigand@gmail.com

EXHIBIT PAGE 293

MAY. 21. 2012 12:50PM

LMC: GIM#7 SECRETAR

NO. 222 P. 2/2

 **Lahey**
CLINIC
GIM Station 7 at Lahey Burlington
41 Mall Road
Burlington, MA 01805
(781) 744-7000

05/21/2012 11:11AM
2273454

IRVING ROUNDS
66 FRANCIS WYMAN RD
BURLINGTON, MA 01803

Lisa Anastos, Esq.
63 Shore Rd. Suite 24
Winchester, MA 01890

Re: Irving Rounds Jr
Lahey # 2273454

Dear Atty. Anastos:

I am writing you regarding Mr. Rounds, with his permission.

I saw him on January 25, 2012. He reported to me that he had been under intense stress at work related to his role as a whistle blower to the EPA 14 years ago for another company. He felt that this was being held against him. He was unable to work during this time. He was seeing a social worker. He was unable to focus on his health. He felt that he was being discriminated against by his supervisors. He was out of work until February 27 as a result of this stress on his health.

Sincerely yours,

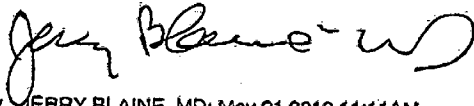

Jerry M. Blaine M.D.
Electronically signed by JERRY BLAINE, MD; May 21 2012 11:11AM

EXHIBIT PAGE 295

1 of 1

Patient Letter

Printed 5/21/12 11:11:39 AM

Irving Rounds

1/4/12 First Session – Presenting Problem: Mr. Rounds is a 49 year male who had to leave his previous employment due to work related stress and he has an ongoing workers' compensation claim. The client related in detail the events at his last employer, which led to the stress, which made it impossible to remain at his job. The client related that he has had a longstanding Whistle Blower case with the EPA. The case has been pending for years, however, the client appears to be able to handle that stress. However, when his manager at his last place of employment wanted him to lie to OSHA about OSHA' regulations the company was violating he refused and his work environment became a hostile one which resulted in the stress which eventually led to his filing a workers' compensation claim. The client also related that that his manager and coworkers had somehow found out that he was a Whistle Blower for the EPA. The client also related that he suspected a coworker was an undercover FBI agent..

1/18/12 Saw client for the second time – we discussed his mood. He related that his stress had abated since he had left his last job and he was optimistic about finding new employment. He denied being depressed or anxious and he noted that he was feeling more positive about his future and that he was exercising and losing weight. The client did note that the ongoing workers' compensation case was a concern, but he was handling the stress from that issue.

1/25/12 Met with the client for the last time today for half a session. I told the client that his stress appeared to be well under control and that he was not presenting with any symptoms which would justify continued treatment. The client agreed and he said he was fairly certain that he would shortly be starting a new job that, due to the distance, would not make it possible for him to continue therapy with me. The client had asked me to complete a report regarding his treatment for work related stress. This report was to be given to his attorney in preparation for his workers' compensation case before the Industrial Accident Board. I told the client that I could not do that as I had never treated him for that stress and that he was not showing signs of it when he presented for treatment. I noted that I did not doubt that it had been a very stressful time and that it was the reason he had to leave his job, but I could not write a report about something I never treated him for. We agreed that this would be our last session and I urged the client to return to therapy, with me or someone else, if he felt he needed the support.

Michael E. Foran, LICSW

7 Kent Street

Brookline, MA 02445

EXHIBIT PAGE 296



The Commonwealth of Massachusetts
Department of Industrial Accidents

DEVAL L. PATRICK
Governor
TIMOTHY P. MURRAY
Lieutenant Governor

PHILIP L. HILLMAN
Director

<ADDRESS>

Employee: IRVING ROUNDS JR
Employer: APPLIED BIOSYSTEMS BEDFORD
Insurer: FEDERAL INSURANCE COMPANY
D.I.A. #: 3499011

ORDER OF PAYMENT \$34

This claim for compensation came before me for conference under the provisions of M.G.L. c.152, §10A, on October 10, 2012, at Boston, Massachusetts. The claimant was represented by LISA A ANASTOS ESQ and the insurer was represented by MEREDITH P RAINEY ESQ.

Based on information submitted at the conference, I order the insurer to pay the claimant temporary total incapacity compensation under M.G.L. c.152, §34, at the rate of \$912.60 per week based on an average weekly wage of \$1,521.00 from December 19, 2011 to February 27, 2012, plus medical benefits under the provisions of M.G.L. c.152, §30.

There will be no impartial as the parties opted out.

For injuries arising on and after November 1, 1986, the insurer is ordered to pay a fee to employee counsel pursuant to M.G.L. c.152, §13A, in the amount of \$1,563.91, plus expenses.

For injuries arising prior to that date, the fee paid to the employee's attorney shall be subject to an agreement between the employee and his attorney; provided that such fee shall not exceed twenty percent of the aggregate retroactive compensation award.

For claims filed on or after December 24, 1991 where payments of any kind have not been made within sixty days of claim, the insurer shall pay interest at the rate of ten percent per annum on all sums due from the date of receipt of the notice of claim until the date of payment of this order.

For injuries occurring on or after December 24, 1991 the insurer may withhold the employee's share of the attorney's fee in accordance with the provisions of §13A(10) and the relevant provisions of 452 C.M.R 1.02.

If this is an amended or corrected order and you appealed the original order, please re-appeal this corrected order, indicating that a check was sent in with your previous appeal.

EXHIBIT PAGE 297

Any party aggrieved by this Order shall have fourteen days from the filing date of such Order within which to file an appeal for a hearing pursuant to M.G.L. c.152, §11. Such appeal shall be filed with Department 121, Department of Industrial Accidents, 1 Congress St. Suite 100, Boston, MA 02114-2017.

The parties shall be responsible to confirm within the fourteen day appeal period, that their conference submissions have been correctly entered into the Department's Document Management System.

RSL/mv
Filed on October 11, 2012.

ROGER S LEWENBERG
Administrative Judge
Department of Industrial Accidents

<CC>

EXHIBIT PAGE 298

Case Number: 100616330195

Hi Irving

This is Marilyn , I am a Senior Advisor with Apple Phone Support.

I just wanted to send you a quick thank you, for taking the time to speak with me today.

If you have any questions, my phone number is
877-203-0418 ext. 1161364 and my hours 1:00pm-10:00pm (central)
Saturday, Monday, Tuesday, Wednesday and Thursday
(Off: Sunday & Friday)

You may respond to this email without changing the subject line, if that's more convenient.

If you need immediate assistance and I am not available, please contact Apple Support directly at: 1-800-MY-APPLE (1-800-275-2273)

Thank you and enjoy your day.

Marilyn Pangelinan
Apple, Inc.



!zs4345841!ze
!zs4349321!ze
!zs4350372!ze

(972) 358-3658

Thanks Eric

9:58 AM

Text sent by
Defendant 3 on
8/16/18

(650) 204-8930

View your receipt from

DANDI-LLC: <https://w...>

8:56 AM

Ferguson Dan

Attachment: 1

Audio File

8:46 AM

EXHIBIT PAGE 311

Text Message
Today 8:56 AM

**View your receipt
from DANDI-
LLC:**

**Tap to Load
Preview**

Text sent by
Defendant 3 on
8/16/18

**clover.co
m**

EXHIBIT PAGE 312

CLERK

STATES

JOSEPH MOAKLEY COURT HOUSE WAY, SUITE 2500

BOSTON, MA 02210

OFFICIAL BUSINESS

EXHIBIT PAGE 399

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO.

19-3692

IRVING F. ROUNDS)
Plaintiff)
Commonwealth Of)
Massachusetts Governor)
Charlie Baker, Maura T. Healey)
William F. Galvin, Public)
Records Division)
Defendant(s)

COMPLAINT

Notified 12.11.19 (NS)
- I.F.R.

1. Plaintiff is an individual who resides at 246 Beacon Street Apartment 1, Clinton, MA 01110
2. The Defendant(s) Commonwealth of Massachusetts Governor officer Charlie Baker, Commonwealth of Massachusetts Attorney General officer Maura T. Healey, Commonwealth of Massachusetts Secretary of State officer William F. Galvin, Commonwealth of Massachusetts Public Records Division

COUNT 1
(Equitable relief)

3. Paragraphs 1 and 2 are incorporated herein by reference.
4. The Plaintiff requests that the Defendants use all of their jurisdictional and statutory powers to have The Clinton Massachusetts Police Department, Massachusetts State Police, Burlington Massachusetts Police Department, Waltham Massachusetts Police Department and Framingham Massachusetts Police Department furnish me the records I have been requesting (see attached requests to the RAO's and exhibits and CD ROM. I have not received these reports and records from these municipalities.
5. The Plaintiff makes these requests for not only legitimate concerns for my safety but others. I have two Lawsuits in Federal Court (see attached CD ROM) and a request for a Police Report filed with the Clinton Massachusetts Police Department (see attached) where I have alleged a Department of Justice (DOJ) manager has been relentlessly harassing, stalking, threatening and intimidating me for the reason explained in the attachments.
6. The Plaintiff needs these Police Reports to not only substantiate that claim, but to get his complete personal information to file a restraining order against him personally (not as an Agent for the US Government) and to file a complaint to have the DOJ manager in question, have his firearm license revoked because of his unstable behavior towards me.

Wherefore, the Plaintiff prays that the Court order these Massachusetts State Agencies to provide the Plaintiff these records that he is seeking.

The Plaintiff further requests that the Court cite Attorney Angela M. Puccini from the Commonwealth of Massachusetts Public Records Division for Attorney misconduct for reasons as outlined in the attachments.

The Court held a hearing on the Plaintiff's, pro se, motion for equitable relief. The Plaintiff moves the Court to order "Massachusetts State Agencies" to provide him certain records. Plaintiff also moves the Court to order the Plaintiff's motion for several reasons. The Defendant has not withheld documents from the Plaintiff but instead state that no such documents exist. The Court has no remedy in this instance. Moreover, the ability to appeal the Board's finding has expired. "A requestor aggrieved by an order issued by the supervisor of records or upon the failure of the supervisor of records to issue a timely determination, may obtain judicial review only through an action seeking relief in the nature of certiorari..." M.G.L. 66, section 10A. M.G.L. chapter 299 section 4 provides a sixty-day window to appeal the decision. Here that time has expired. Finally, the Plaintiff Complaint along with the affidavit fails to state a cause of action against the attorneys or Attorney General. The Court has not authority to cite the Defendants for misconduct. Accordingly, the Complaint is DISMISSED. R.N. Tochka, J. December 9, 2019

SUFFOLK SUPERIOR COURT
CIVIL ACTION NO. 19-3692
A 9:22
NOTED FOR DEPT. OF REGISTRATION

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION NO
1984CV03692

IRVING F. ROUNDS)
Plaintiff)
)
Commonwealth Of)
Massachusetts Governor)
Charlie Baker, Maura T. Healy)
William F. Galvin, Public)
Records Division)
____ Defendant(s) _____

PLAINTIFF'S MOTION FOR RECONSIDERATION
ON ORDER OF DISMISSAL

- 1.) Plaintiff is an individual who resides at 246 Beacon Street Apartment 1, Clinton, MA 01510
- 2.) The Defendant(s) Commonwealth of Massachusetts Governor officer Charlie Baker, Commonwealth of Massachusetts Attorney officer General Maura T. Healey, Commonwealth of Massachusetts Secretary of State officer William F. Galvin, Commonwealth of Massachusetts Public Records Division

MOTION 4

3. Paragraphs 1 and 2 are incorporated herein by reference.
4. The Plaintiff files a motion for reconsideration on order of dismissal. Rule 60, Relief from a Judgement or Order. The Plaintiff filed exhibits 99 and 100 showing that he was advised to make a request to the Commonwealth's Superior Court if the Plaintiff wasn't "satisfied" with the final ruling of the administration appeal (see "Request for reconsideration SPR19/1281" dated October 16, 2019 attached to the Complaint as Exhibit 99 and 100).
5. On October 1, 2019, Stephen W. Shorey, Esq., First Assistant Director of the Commonwealth's Public Records Division, sent me an email (see copy of email attached hereto as Exhibit 1 and Exhibit 95 of the Complaint) which provided (inter alia):

"We will treat your July 17 email, in conjunction with your below email, as a request for reconsideration of the attached July 10 determination." (The email further references Secretary Galvin's SPR Bulletin 04-17 (a copy of which is attached hereto as Exhibit 2 and Exhibit 98 of the Complaint))

6. Secretary Galvin's Bulletin (a copy of which is attached hereto as Exhibit 2 and Exhibit 98 of the Complaint)) provides at "Actions:2" the following:

"If necessary, additional time may be granted as agreed upon by both the requestor and the records custodian."

7. Additional time was granted in this instance by the Public Records Division (a copy of which is attached hereto as Exhibit 1 and Exhibit 95 of the Complaint).
8. As a consequence of the additional time allowed, the provision in M.G.L., Chapter 249, section 4 requiring the filing of this action within sixty (60) days was also extended.

9. I have complied with the time provision for filing the Complaint.
10. The Plaintiff's original complaint didn't clearly specify and state in clear detail to the Court exactly what the Plaintiff needs from the Defendants to protect the Plaintiff and the public's safety.
11. The Plaintiff requests that the Court allow this motion so that the Plaintiff may file a motion to amend his complaint.
12. The Plaintiff will now address the order of dismissal on citing the three Attorneys:
13. Attorney Rebeca S. Murray, Supervisor of the Massachusetts Public Records Division destroyed public records (the emails I sent to her for my "Request reconsideration SPR19/1281 October 16, 2019"). She destroyed all three (3) of them at the same time (see exhibits 71, 72, 73) on Saturday September 6, 2019. She then made a ruling denying my reconsideration without reading the evidence in those emails.
14. Attorney Angela M. Puccini called the Plaintiff on June 19, 2019 and told the Plaintiff that there was a mechanism for referring this matter to the Attorney General's office; the matter would have to be prosecuted by her office. On an email she sent to me on September 16, 2019 (see exhibit 24) she contradicted her earlier suggestion that there was a legal mechanism exclusive of her office (i.e. I could not proceed on my own).
15. Attorney General Maura T. Healey was carbon copied (Cc) on multiple emails and sent emails in which she never replied. Ms. Healey then replied to the final email which I sent to her on November 21, 2019 (exhibit 1) 5 minutes later (see exhibit 81) only after I threatened to file a complaint in Court. She had total disregard not only for my safety but the public's safety by not having anyone further investigate this matter relative to the behavior of the DOJ official.
16. On November 12, 2019 I received a response to my Complaint filed with The Board of Bar Overseers relative to the above-named counsel in paragraphs 13-15 (see copy of letter attached hereto as Exhibit 3). The Board suggested that I address my Complaints with the Superior Court.
17. The Court, in its ruling of 12/10/19 relative to the Defendants' Motion to Dismiss, noted:

"The Defendant has not withheld documents from the Plaintiff but instead state that no such document exists. The Court has no remedy in this instance . . ."

The Plaintiff respectfully dissents. As provided in M.G.L., C. 66, s. 10(A)(c)(final sentence):

"The Superior Court shall have all remedies at law or in equity . . ."

In this instance, it is clear from the evidence submitted by the Plaintiff that the Plaintiff has conducted several communications with the Town of Clinton, Massachusetts Police Department. Furthermore, Detective Schmidt of the same Department has admitted to having communicated with the Town of Burlington, Massachusetts Police Department and the Plaintiff's counsel relative to the Plaintiff's record requests. There can be no doubt that the Town of Clinton, Massachusetts Police Department has either:

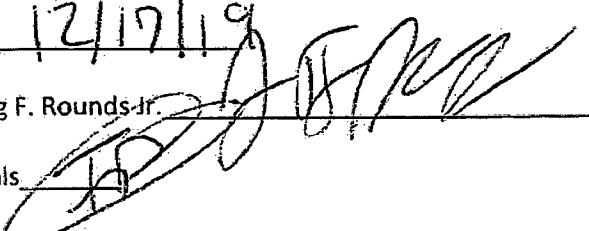
1. Deliberately refrained from creating a police record in this matter for some unknown reason, or
2. Concealed a record, again, for some unknown reason.

With this in mind, I formally request that the Court conduct an evidentiary hearing relative to the existence and/or concealment of a police report from the Town of Clinton Police Department. There can be no doubt that the Court, sitting in equity, has the authority to do so.

I request a hearing.

PRAYER

WHEREFORE, plaintiff prays that this Court allows this motion for reconsideration.

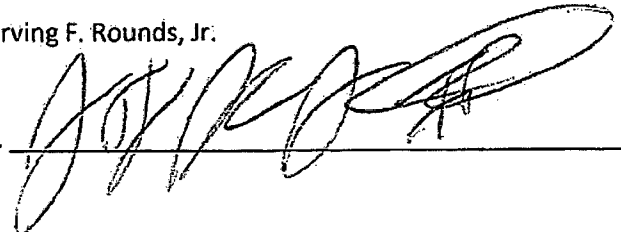
Date 12/17/19
Irving F. Rounds Jr. 
Initials IR

Certificate of Service

I, Irving F. Rounds, Jr. do hereby certify that I gave notice today of the within Motion to all Defendants by forwarding a copy of same to Assistant Attorney General Robert Quinan by mailing a copy to One Ashburton Place, Boston, MA 02108.

December 17, 2019.

Irving F. Rounds, Jr.

Dated: 12/17/19 Irving F. Rounds Jr. 

Irv Rounds

From: Shorey, Stephen (SEC) [stephen.shorey@state.ma.us]
Sent: Tuesday, October 01, 2019 4:32 PM
To: roundsmechanical@verizon.net
Cc: Puccini, Angela M (SEC); Stewart, Gregory (SEC); SEC-DL-PREWEB
Subject: RE: Report Incident On 11/24/18 At Anytime Fitness Clinton MA
Attachments: spr191281.pdf; FW: Report Incident On 11/24/18 At Anytime Fitness Clinton MA (9.57 MB)

Sensitivity: Confidential

Mr. Rounds,

Please find attached a July 10, 2019 determination from this office. Also attached is an email chain that includes a July 17, 2019 email in which you raise issues regarding the existence of the report at issue.

As described in the July 10th determination, this office found that based on the Department's June 19th supplemental response, the Department met its burden in responding to the request. We will treat your July 17th email, in conjunction with your below email, as a request for reconsideration of the attached July 10th determination. This office will issue a determination in accordance with this Supervisor of Records Bulletin: <https://www.sec.state.ma.us/pre/prepra/significant-interest/SPR-Bulletin-04-17-Timeframes-for-Reconsiderations-and-In-Camera-Reviews.htm>.

Best,
Steve

Stephen W. Shorey, Esq
First Assistant Director
Public Records Division
Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1719
Boston, MA 02108
Ph: (617) 727-2832
Fax: (617) 727-5914

From: Irv Rounds [mailto:roundsmechanical@verizon.net]
Sent: Wednesday, September 25, 2019 4:36 PM
To: Puccini, Angela (SEC)
Cc: stephengcrowne@yahoo.com; 'O'Rourke, Bruce E (DAA)'; mward@clintonma.gov; mdziokonski@clintonma.gov; SEC-DL-PREWEB; Rastellini, Patricia (SEC); SEC-DL-PREWEB
Subject: RE: Report Incident On 11/24/18 At Anytime Fitness Clinton MA
Importance: High
Sensitivity: Confidential

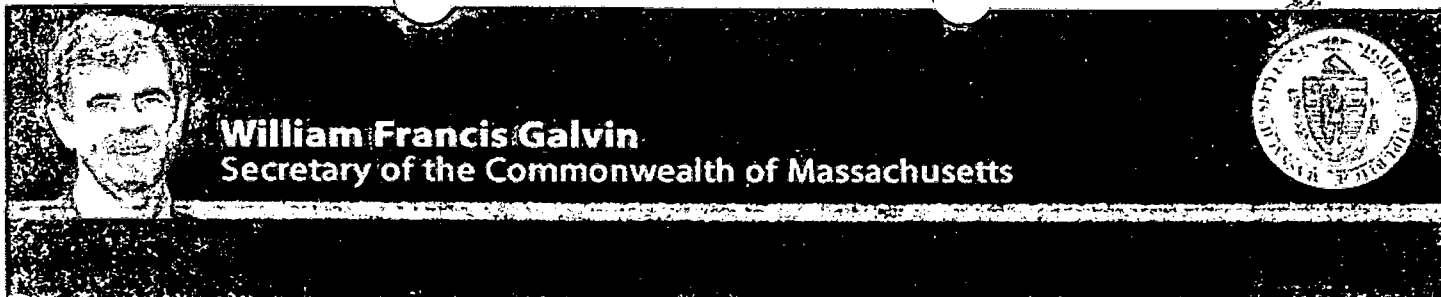
Dear Ms. Puccini,

EXHIBIT 1

I would like to respond to your email response dated September 16, 2019 point by point.

1.) On the afternoon of June 19, 2019 you called me and we discussed this matter. One of the things that I brought up was that I had concerns to date that the Clinton Police Department had not been forthcoming regarding this matter. I had told you that if the Clinton Police didn't give me the Police Report I had been seeking, I was going to file a criminal complaint with the Massachusetts Attorney General's office. You stated

EXHIBIT 95



SPR Bulletin 04-17

TO: Records Access Officers and Requestors of Public Records

SUBJECT: ~~Timeframes for the Supervisor of Records to Complete Reconsiderations of Determinations and In Camera Reviews of Records~~

EFFECTIVE DATE: January 1, 2018

EXPIRATION DATE: Until superseded

PURPOSE: This bulletin sets forth timeframes for the Supervisor of Records to complete reconsiderations of determinations and *in camera* reviews of records.

BACKGROUND:

The Public Records Law and its Public Access Regulations (Regulations) were updated with changes effective January 1, 2017. Among other things, the updated law requires the Supervisor of Records (Supervisor) to issue a written determination regarding any petition submitted in accordance with section 10A of chapter 66 not later than 10 business days following receipt of the petition by the Supervisor. However, there are no statutory timeframes for the Supervisor to issue rulings on reconsiderations of these determinations or in connection with *in camera* reviews of records.

FINDINGS:

1. A requestor may petition the Supervisor for failure by a records access officer (RAO) to comply with a requirement of section 10 of chapter 66 or 950 C.M.R. 32.00. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1).
2. The Supervisor may require an inspection of the requested record(s) *in camera* during any investigation or any proceeding initiated pursuant to 950 C.M.R. 32.08 or require a detailed description of the record(s) with respect to claims of attorney-client privilege. G. L. c. 66, § 10A(a); 950 C.M.R. 32.08(4).
3. The Supervisor must issue a written determination regarding any properly submitted appeal petition no later than 10 business days following receipt of the petition by the Supervisor. G. L. c. 66, § 10A(a).
4. The requestor or RAO may file a request for reconsideration of the Supervisor's determination issued pursuant to G. L. c. 66, § 10A(a) within 10 business days of the date of the Supervisor's determination letter.

ACTIONS:

1. The Supervisor must issue a written determination regarding any timely request for reconsideration of a Supervisor's determination not later than 15 business days following receipt of the reconsideration petition by the Supervisor. If necessary, additional time may be granted as agreed upon by both the requestor and the records custodian.
2. The Supervisor must complete an *in camera* review of records, or of the detailed description of records withheld pursuant to the attorney-client privilege, and issue a written determination regarding the records not later than 15 business days following the Supervisor's receipt of said records or detailed description. If necessary, additional time may be granted as agreed upon by both the requestor and the records custodian.

Questions regarding this Bulletin should be directed to:

Public Records Division
One Ashburton Place, Room 1719
Boston, MA 02108
Phone 617-727-2832
Fax 617-727-5914
Email pre@sec.state.ma.us
www.sec.state.ma.us/pre

EXHIBIT 2

William Francis Galvin, Secretary of the Commonwealth of Massachusetts

Terms and Conditions

Accessibility Statement

EXHIBIT 98

and the public as a whole. Also let Mr. Barr know that I would like to settle this legal matter out of court, if the DOJ is interested.

In closing, if both of you and your respective offices continue to let this man threaten myself, family, friends, my neighbors who live directly above me Autumn Jones and her two twin one year old sons Bentley and Landon, my other neighbors that live around me and the public as a whole, I will take the following actions:

I will start a petition to have both of you impeached for malfeasances along with the Secretary of the Commonwealth William Francis Galvin and have both Ms. Healey and Mr. Galvin cited to be disbarred for engaging in fraud which impeded the administration of justice regarding this legal matter.

I will also initiate a class action lawsuit against the commonwealth of Massachusetts for not taking legal actions after reporting to Lieutenant Bruce O'Rourke of the Massachusetts State Police Detectives Unit in 2015 twice against the Koch brothers for the fraud perpetrated against the Commonwealth of Massachusetts for manipulation of the oil futures markets and has cost the Commonwealth of Massachusetts billions of dollars in higher energy costs. This topic was brought up in our meetings when we met about my ex-wife's staged car on March 5, 2015 by DOJ.

Finally I will then go public and tell any and all parties and entities successfully prosecuted by any Commonwealth of Massachusetts law enforcement agencies for the last 22 years to have all the cases put under review, as what happened with former Massachusetts State Police lab chemist Annie Dookhan.

I will then say that the 22 years are based on my involvement with this legal matter with the Department of Justice (DOJ) coupled with the fact of complicity and improprieties of the Massachusetts Attorney's General Office with the DOJ along with the

Massachusetts Superior Court, the upper management of the Massachusetts State Police, Burlington, Framingham, Waltham, Clinton and Lancaster Massachusetts Police Departments.

I have attached all the documentation (see attached) for your reference and I have carbon copied (Cc) different parties including five news agencies, two organizations and Nancy Alfonzo from Senator Edwin Marky's office. Please advise.

Regards,

Irving F. Rounds Jr.

246 Beacon Street

Apartment 1

Clinton, MA 01510

Cell 781-504-8974

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disclosure. If you are not the intended recipient of this message or their agent, or if this message

has been addressed to you in error, please immediately alert the sender by
reply email and then

delete this message and any attachments. If you are not the intended
recipient, you are hereby

notified that any use, dissemination, copying, or storage of this
message
or its attachments is

strictly prohibited

Sent from my iPad

Begin forwarded message:

From: Irv Rounds <roundsmechanical5@gmail.com>
Date: July 27, 2020 at 4:40:56 PM EDT
To: kschmidt@clintonpd.com, bruce.e.o'rourke@state.ma.us
Cc: melissa.juarez@jud.state.ma.us, Robert Quinan <robert.quinan@mass.gov>, ago@state.ma.us, charlie.baker@state.ma.us, christopher.s.mason@state.ma.us, cis@sec.state.ma.us, Stephen Crowne <stephengcrowne@yahoo.com>, Brian Coyne <bcoyne@clintonpd.com>, chief@clintonpd.com, cynthia.young@usdoj.gov, jeffrey.a.rosen@usdoj.gov, lindsey_graham@graham.senate.gov, william.p.barr@usdoj.gov, mward@clintonma.gov, Andrew.Lelling@usdoj.gov, nancy_afonso@markey.senate.gov, press@blaclivesmatter.com, info@betterstudio.com, letterstoeditor@bostonherald.com, tips@boston.com, letters@washpost.com, nytnews@nytimes.com
Subject: Report Incident July 24, 2020 Fwd: 1984CV03692 Rounds, Irving F vs. Baker, Governor Charlie et al

Dear Detective Schmidt and Lieutenant O'Rourke,

I formerly file a police complaint to both the Clinton
Massachusetts and Massachusetts State Police
Departments to file a motor vehicle assault charges
against the man going by the name of Richard Ciruolo

that has been threatening and harassing me as stated in this email thread (string) below.

I will summarize the events of the incident of what transpired on July 24, 2020. It is as follows:

At approximately 7:30 PM Eastern Standard time on July 24, 2020 Mr. Ciruolo started following me in a car while I was driving north on route 70 on Main Street Clinton Massachusetts starting at the corner of Roma and Main Street until I turned into the laundromat and it appeared that he continued to drive straight on route 70.

At approximately 7:45 after putting my laundry into the washing machines, I left to go to my bank. While driving to my banks ATM, Santander Bank Clinton, Mr Ciruolo was walking north on route 70 on Main Street Clinton Massachusetts by Wash Works car wash towards me while I was driving south on route 70.

My windows in my car were down and I yelled an explicit at him and continued to drive to my bank. On the return ride back to the laundromat I didn't observe Mr. Ciruolo. After finishing my laundry I drove straight home and again didn't observe Mr. Ciruolo.

After getting back home I unloaded my laundry into my apartment and then proceeded to take my dogs out for a walk. At approximately 9:25 PM when I took my dogs out, they were pulling to my right towards the stairs and I didn't look to my left and started walking down the stairs, then I saw a car coming straight at my dogs and I and jumped back on to my stairs pulling my dogs with me and observed Mr. Ciruolo and he appeared to be

driving a grayish silver car and what appeared to be a Toyota Camry and had almost hit myself and my dogs and the house.

I can only conclude that this stepped up threatening and harassing behavior of Richard Ciruolo and the Department of Justice (DOJ) and its employees stem from the different rulings in both Federal and Massachusetts Superior Courts coupled with that I have a petition of Writ of certiorari to be filed to the U.S. Supreme Court within the next week or so. The DOJ has continued to step up its aggressive behavior towards me by jamming and dropping my cellular service, harassing me on Facebook, harassing phone calls and interrupting all of regular, electronic and FedEx mail.

This has been very well documented and this individual is on video tape threatening and harassing me at Anytime Clinton (my former gym) Shaws supermarket Clinton Massachusetts and Market Basket in Hudson Massachusetts. Along with driving around my neighborhood.

I need you to pose him the questions on the order that I filed in Massachusetts Superior Court (see attached) to see if he is threatening me of his own free will or is he being ordered to threaten me by parties within the DOJ or whoever.

My main concern is that this individual needs to surrender his firearms and I need to retain all of his personal information in order to file injunctions in both the Massachusetts Superior Court and Massachusetts Boston District Court.

I discussed my concerns on Saturday morning July 25, 2020 with my landlord Bill Aucion (who Cc on this email) that if Mr. Ciruolo discharges his firearms within my apartment, that stray bullets could potentially hit my upstairs neighbors Autumn Jones and her two twin one year old sons or if he hits my apartment with a motor vehicle, because of the age and condition of the apartment, it potentially could cause it to collapse and fatally injure anyone within the apartment.

I have attached all the documentation (see attached) for your reference and I have carbon copied (Cc) different parties including five news agencies, two organizations and Nancy Alfonzo from Senator Edwin Marky's office. Please advise.

Regards,

Irving F. Rounds Jr.

246 Beacon Street

Apartment 1

Clinton, MA 01510

Cell 781-504-8974

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and may contain confidential and/or privileged information and may be legally protected from

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has been addressed to you in error, please immediately alert the sender by reply email and then

delete this message and any attachments. If you are not the intended recipient, you are hereby

notified that any use, dissemination, copying, or storage of this message or its attachments is

strictly prohibited

Sent from my iPad

Begin forwarded message:

From: "Irving F. Rounds Jr." <roundsmechanical5@protonmail.com>
Date: June 10, 2020 at 7:17:36 AM EDT
To: "melissa.juarez@jud.state.ma.us" <melissa.juarez@jud.state.ma.us>
Cc: "robert.quinan@mass.gov" <robert.quinan@mass.gov>, "ago@state.ma.us" <ago@state.ma.us>, "charlie.baker@state.ma.us" <charlie.baker@state.ma.us>, "christopher.s.mason@state.ma.us" <christopher.s.mason@state.ma.us>, "cis@sec.state.ma.us" <cis@sec.state.ma.us>, Stephen Crowne <stephengcrowne@yahoo.com>, "bruce.e.o'rourke@state.ma.us" <bruce.e.o'rourke@state.ma.us>, Bruce O'Rourke Sergeant <bruce.orourke@state.ma.us>, "bcoyne@clintonpd.com" <bcoyne@clintonpd.com>, "chief@clintonpd.com"

<chief@clintonpd.com>, "cynthia.young@usdoj.gov"
<cynthia.young@usdoj.gov>, "hatchact@osc.gov" <hatchact@osc.gov>,
"info@osc.gov" <info@osc.gov>, "jeffrey.a.rosen@usdoj.gov"
<jeffrey.a.rosen@usdoj.gov>, "lindsey_graham@graham.senate.gov"
<lindsey_graham@graham.senate.gov>, "william.p.barr@usdoj.gov"
<william.p.barr@usdoj.gov>, "phartobey@osc.gov"
<phartobey@osc.gov>, "OIG_Hotline@epa.gov"
<OIG_Hotline@epa.gov>, "Michael.E.Horowitz@usdoj.gov"
<Michael.E.Horowitz@usdoj.gov>, "opr.complaints@usdoj.gov"
<opr.complaints@usdoj.gov>,
"TAYLOR_ANDREAE@LGRAHAM.SENATE.GOV"
<TAYLOR_ANDREAE@LGRAHAM.SENATE.GOV>,
"mward@clintonma.gov" <mward@clintonma.gov>,
"kschmidt@clintonpd.com" <kschmidt@clintonpd.com>,
"Andrew.Lelling@usdoj.gov" <Andrew.Lelling@usdoj.gov>
**Subject: Fwd: Re: 1984CV03692 Rounds, Irving F vs. Baker, Governor
Charlie et al**
Reply-To: "Irving F. Rounds Jr." <roundsmechanical5@protonmail.com>

Dear Ms. Juarez,

Again I would like to remind the Court and Judge Tochka that this man (Richard Ciruolo) has been threatening me for over 3 1/2 years along with my neighbors and the public. I have been seeking these records from the Clinton Police Department for approximately a year and a half and my last hearing was on March 4 of this year, which is over three months ago.

My best friend's nephew works for the Massachusetts Attorney General's office as an attorney. He has stated to my best friend that there is minimal work going on right now within the court system because crime has been reduced with the pandemic. He said that the offices are only conducting urgent matters and there is minimal paperwork.

That being said, I can only conclude that Judge Tochka and this Court are favoring this individual because he works for the DOJ. I would like to remind the Court and Judge Tochka that I have provided factual evidence; I know that the Massachusetts State Police appreciates that the DOJ staged my ex wife's car crash on March 5, 2015.

The staged car crash by the DOJ that I alluded was an extreme act of violence. After the car crash, I had to take my ex-wife to Lahey Clinic for mild whiplash. That accident could have been fatal for my ex-wife if she had a weak vertebrae.

I have provided this Court and Judge Tochka with all of my documents from my two cases pending in the Federal Courts. Included in my documents I have stated that I have a whistleblower (source) in the Boston FBI field office. That source has stated that the DOJ has on a few occasions staged national news events as justification to falsely arrest

me and then shoot and kill my dogs to enrage me, and finally shoot and kill me.

I truly believe that if this Court and Judge Tochka continue to side with the DOJ and show favoritism with the DOJ, it will encourage this individual (Richard Ciruolo) to commit an act of violence towards myself and possibly harm my neighbors and the public in the process.

This is the last request I shall make to the Court and Judge Tochka to make a ruling on my Motion for Reconsideration and on my proposed Order. I know I've said this many times in the past in my email correspondence, but I have been exercising complete restraint by not going public.

I cannot and will not allow this abuse to go on and I will not be responsible for what potentially might follow if I do go public. This Court and Judge Tochka will be responsible if there is in fact any civil unrest that might follow. I say this based on the civil unrest that is unfolding over George Floyd's death.

I feel that I will be safer by going public with my allegations. If I don't, I feel that the DOJ and this one specific man (Richard Ciruolo) will interpret this as the Courts are allowing this abuse and encouraging him to physically harm me and potentially my neighbors and the public in the process.

In closing, as George Floyd said "I can't breathe". The reason why I can't breathe (figuratively speaking) is because I'm being forced against my will in the DOJ's investigation of the Koch brothers and these high profile politicians.

If I do go public with this complete Legal matter, I will follow through with things mentioned above and in this previous email thread (string). I will provide this email string on how I had tried every possible avenue to have this man and the DOJ stop threatening me and then how this Court and Judge Tochka failed to help me. I will also say that I had completely exhausted all of my legal options to try to prevent the potential for civil unrest that may follow. I will hand deliver a copy of this email to the court. Please advise.

Regards,

Irving F. Rounds Jr.
246 Beacon Street
Apartment 1
Clinton, MA 01510

Sent from ProtonMail Mobile

----- Forwarded message -----

From: Melissa Juarez<melissa.juarez@jud.state.ma.us>