

App. 1

**UNITED STATES COURT OF APPEALS  
THIRD CIRCUIT**

Lynn Z. Smith  
294A Malvern Court East  
Lakewood, New Jersey 08701

In re: LYNN Z. SMITH,

Civil Action No.  
On Appeal from: 3-18-cv-14953  
Chapter 13 - Case #17-34862 (MBK)  
Court of Appeals Docket # 19-1962

**MOTION FOR PERMISSION**

**Motion Requesting Permission to File An Overlength  
Supplemental Petition for Rehearing and to Attach  
Additional Exhibits to the Supplement**

Lynn Z. Smith, the plaintiff submits this motion requesting permission to file the cited documents in support of my Petition for Rehearing En Banc.

**Party**

**Chapter 7 Trustee**

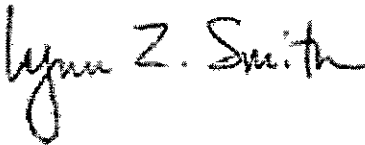
Andrea Dobin  
Trenk DiPasquale, P.C.  
427 Riverview Plaza  
Trenton, NJ 08611

**Counsel**

**N.J. Attorney General**

Isabella Stempler, Esquire  
Office of the Attorney General  
P.O. Box 080  
Trenton, N.J. 08625

DATED: February 7, 2020



Lynn Z. Smith  
294A Malvern Court East  
Lakewood, New Jersey 08701  
(732) 363-4451  
[lzsmith@optonline.net](mailto:lzsmith@optonline.net)

February 7, 2020

Justices of the Third Circuit  
U.S. Court of Appeals Third Circuit  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: **MOTION AND REVISED LETTER INTRODUCING EXHIBITS**

Dear Justices,

I respectfully request permission to file an Overlength Supplemental Petition for Rehearing and to attach additional exhibits to the Supplement.

I filed a Letter to the Court Introducing Exhibits with Exhibit 1 attached on February 3, 2020, and Exhibits 2-6 later the same day.

I am filing a caption page for the Overlength Supplemental Petition, with this letter next, then the February 3<sup>rd</sup> letter which introduced Exhibit 1. I have modified Exhibit 1 which was put together in haste due to the crash of my main computer. Typos are corrected and the document reads more pointedly. It ends with in-text insertions of evidence that prove beyond a shadow of a doubt that:

- Attorney General Rabner; and
- State officials acting under him

filed a suit on October 11, 2006, that, not only should never have been filed. Several individuals facing criminal charges for bank fraud used their powerful law firm to "convince" Attorney General Rabner, 14-days into office, to file a civil complaint against Digital Gas, an innocent public company, my husband and me on short notice after my husband exposed their bank fraud on September 29, 2006.

The criminals wanted my husband to free up 3+ million shares of restricted stock in Digital Gas to bail them out of a fraudulent loan. They went to Community State Bank, bribed a loan officer with \$100,000 and obtained \$600,000 or more in cash from the bank.

My husband acted lawfully by denying the bank's request to free up the shares by the end of their fiscal year, September 30, 2020. In turn, he suggested to the bank officers that they report the criminals to the Comptroller of the Currency. On that day, the criminals were told by the bank that I would not help them.

The criminals then took their retribution by going to the daughter of Ace Greenberg and having her contact the Attorney General of New Jersey and provide him with the narrative that Digital Gas had no assets, my husband defrauded investors in the company and that I "unjustly enriched" myself with the \$809,237 invested in Digital Gas by Alfred Kryspin.

*The purpose of providing this evidence to this Court at this point is not to "relitigate" a state court final judgment but to demonstrate why the State of New Jersey was deathly afraid of the request contained within the August 8, 2018 Motion to Show Cause that they fill out the forms provided in the motion in order that I would have a document that demonstrated that the \$809,237 claim of the State of New Jersey was false and needed to be reduced to protect my estate.*

The Trustee Handbook permits this access when there is evidence that this crime may have been committed:

## **2. TYPES OF CRIMINAL CONDUCT**

The most common bankruptcy crimes are set forth in Â§ 152 of title 18. Section 152 makes it a crime for any individual to "knowingly and fraudulently": 1) conceal property of the estate; 2) make a false oath or account in relation to a bankruptcy case; 3) make a false declaration, certification, verification or statement in relation to a bankruptcy case; 4) make a false proof of claim; 5) receive a material amount of property from the debtor with intent to defeat the Bankruptcy Code; 6) give, offer, receive or attempt to obtain money, property, reward or advantage for acting or forbearing to act in a bankruptcy case; 7) transfer or conceal property with the intent to defeat the Bankruptcy Code; 8) conceal, destroy, mutilate or falsify documents relating to the debtor's property or affairs; or 9) withhold documents related to the debtor's property or financial affairs from a trustee or other officer of the court.

The State of New Jersey *certainly had a Final Judgment* against me for \$809,237. They were assured that it would never get overturned on appeal because the person who withheld exculpatory evidence from October 2006 through June 2007 was Stuart Rabner who became the Chief Justice of the New Jersey Supreme Court. However....

The State of New Jersey *does not have a victim, does not have a name, address, amount invested in Digital Gas and date* to substantiate the claim. There is no victim, except for my children and me who have had to suffer for the last 14-years because Stuart Rabner, afraid of the negative publicity adversely affecting his nomination to the Chief Justice position by Governor

Jon Corzine of MF Global infamy, was not man enough, and not honorable enough to admit his error when the evidence was delivered to his office in January 2007.

Andrea Dobin violated her Trustee Handbook and federal law in order to be able to steal my home in a corrupt auction:

**3. COMPLIANCE WITH THE TRUSTEE'S DUTY TO REPORT CRIMINAL CONDUCT**

Section 3057 of title 18 of the United States Code requires the trustee to report suspected violations of federal criminal law to the appropriate United States Attorney. Section 586 of title 28 imposes a similar duty on the United States Trustee to refer any matter that may constitute a violation of criminal law to the United States Attorney and, upon request, to assist the United States Attorney in prosecuting the matter.

It is important that the chapter 7 trustee and the United States Trustee coordinate their efforts in the criminal referral process. Upon determining that there are

reasonable grounds to believe that a crime has been committed, the trustee is required to refer the matter to the United States Attorney.

**August 8, 2018 Motion**

This motion and its supplements were an objection filed prior to the sale of my home and any distribution by Andrea Dobin. The motion specifically requested an additional document from the State of New Jersey. This was all the State of New Jersey had to supply:

**\$809,237 of Digital Gas Private Placements  
Received by Lynn Smith**

Name \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Amount \_\_\_\_\_

With this motion and my reply to the state, the amount of the state's claim became a contested matter, not the Final Judgment in state court. By the time I filed this motion, I knew that I 1) had a vengeful trustee because I exposed her perjury and her numerous failures to act in concert with the Trustee Handbook and the intent of Congress, 2) Judge Kaplan who knew of her misconduct but did not care, and 3) Judge Thompson who was incapacitated and corrupt – but I filed it with the hope this court would read the evidence and realize that not only was my motion and request within the law but that the trustee and judges were deliberately acting against the law and the intent of Congress regarding allegations of a debtor that a claim against her estate was false and needed to be significantly lowered – in this case to ZERO.

As I suspected, Judge Kaplan was horrified by the simplicity of the motion. He moved to complicate it. It became a *Motion to Compel Discovery*. Following Judge Kaplan's lead, the state responded that I was attempting to relitigate a state case and change a Final Judgment in state court.

The rest is history. The Trustee followed suit. My home was sold weeks later.

The intent of Congress and the applicable federal law required that the State of New Jersey bear the burden of establishing that their claim was not false by a preponderance of the evidence. I made it very easy for them: fill out the 5-lines above.

This Court has been defrauded by:

Andrea Dobin

Michael B. Kaplan

Anne E. Thompson, and

The Office of the Attorney General of the State of New Jersey

The state filed a false claim to fraudulently conceal its criminal behavior during the 2006-2009 time period and it defrauded of state and federal courts during the ten-year period these interrelated matters have been on appeal by knowingly submitting claims they knew to be false.

#### **Proof of Criminal Violations by The Office of the Attorney General**

This document, including Exhibits 1-6, proves without a shadow of a doubt that my children and I have been raped by business criminals, law firm criminals, regulatory criminals, a criminal trustee, and judicial criminals. The judges of the Third Circuit may not like the tone of my calling Kaplan and Thompson criminals, but why have federal laws regarding "aiding and abetting" criminal activity if you exclude members of your own class?

As you are aware, I have given all of the above the opportunity to reverse what they have done, even the State of New Jersey. All refused.

Exhibit 1 now provides prima facie evidence, mostly from federal courts, the FBI and the United States Attorney that the person the DAG relied on for their allegation that I "unjustly enriched" myself with \$809,237 of Alfred Kryspin's money was a criminal who, along with a fellow criminal paid a bank officer of the Community State Bank in Ankeny, Iowa \$100,000 to approve a fraudulent loan using worthless stock.

Ron Reckinger owned 50% of Fairway Energy and Barry Levinson the other 50%.

The trial testimony of the DAG identified Ron Reckinger as the person who supplied the evidence that the state used to file their false \$809,237 claim.

A letter from a partner in Greenberg Traurig identified Barry Levinson and his ex-girlfriend Jacqueline Greenberg Vogt, Ace Greenberg's daughter and partner of the firm, as the individuals who urged Attorney General Stuart Rabner to file a complaint against Digital Gas, my husband and me.

The FBI and the United States Attorney implicates both men, through their ownership of Fairway Energy, as the persons who paid \$100,000 to the bank officer.

### **A Second Chance for This Court**

Dobin, Kaplan, and Thompson had this evidence and disregarded it. The judges of this court let lower court clerks read other compelling information about these criminals and the failure of the trustee and judges to properly administrate my petition and subsequent appeals, perhaps not thinking that the trustee and judges had misconducted themselves, and signed a December 17, 2017 order and an opinion that has been debunked in a 100-page rebuttal.

Now Exhibit 1 is loaded with additional evidence that the case against me should never have been filed since it was only filed because my husband failed to free up for trading 3+ million shares.

Unfortunately, federal courts do not move on their own orders to reverse state court Final Judgments when they see a Manifest Injustice has taken place, as in my case. That is why I filed my August 8, 2018 Motion and the Reply to the state that Judge Kaplan concealed for almost a month.

I do not want to litigate or overturn the Final Judgment in C-316-06. I want this Court to do one of several things that will open the doors of justice:

1. Remand the matters currently before it against the state and the trustee to the Chief Judge of the District Court;
2. An order that I will be permitted 90-days from the date of the order to retain a forensic attorney/accountant to investigate and report on the following:
  - The administration of my bankruptcy petition by Judge Kaplan
  - The administration of my estate by Trustee Andrea Dobin, and

- The administration of my appeals by Judge Thompson
- Stay Chapter 13 - Case #17-34862 (MBK) until the District Court makes a report on the findings;
- Order the Office of the Attorney General to either confirm the investment of \$809,237 in Digital Gas by Alfred Kryspin or drop their claim by one week from this Court's order. If they refuse or otherwise fail to do either within that time period, order with prejudice that an immediate preliminary award of \$5 million in damages be paid to me by the Office of the Attorney General *with prejudice* (or recommend to the District Court to do the same);
- Order the immediate return of my home;
- An order that Judge Kaplan recuse himself from my petition;
- An order that Andrea Dobin be removed as the panel trustee in my petition;
- An order that my petition be reconverted to Chapter 11 and that have the full support of the new judge and trustee in pursuing adversary proceedings against the State of New Jersey and others

### **Closing Statement**

I am sorry that this Court had to be burdened by the illegal hacking of my communications accounts and systems. Since I am still working from a slow and old rental, my earlier filings were not typo corrected. I have fixed that with this document.

I would appreciate it if the Court considers my initial filing (41), Exhibits 2-6 (43) and this filing with Exhibit 1.

### ***The USCOA Should Resist the Temptation***

The impact of respecting the law and more than sufficient evidence that I made a legal request for additional documents further to an objection to an alleged false claim might appear daunting to the members of this Court but justice, why you are here, should be first in the mind of each judge.

The criminality of the Attorney General of New Jersey from 2006-2009 and the criminality of their asserting an \$809,237 claim could possibly lead to their being held responsible for the return of \$617+ million in cash and \$5+ Billion in natural resource assets.



That is what should happen.

Instead, I have been fair and reasonable until now.

My husband and I have made offers to all official parties except the state to return my home and compensate me for the damage done to my children, me and my estate.

My husband and I have made offers to the State of New Jersey that were lenient because victims of 2006-2009 are dying and the 201 families could use relief. The basis of my husband's thinking is they pay part upfront and the rest could be made easier.

First, my husband asked them to pay \$50 million to preliminarily compensate all 201 families. The offer further indicated that they could recover this money by joining Digital Gas in a lawsuit and receiving 50% of the next \$100 million awarded in a suit seeking \$1 - 2.5 Billion from the criminals they aided and abetted and their attorneys, Greenberg Traurig.<sup>1</sup>

They ignored that offer so my husband will now seek \$100 million upfront. It will increase over time. The defendants can be sued since they extended the statute of limitations year by year.

This Court can rectify a past mistake, a mistake that can be attributable to the Office of the Attorney General of New Jersey by their filing of a known false claim in my 2011 bankruptcy and again in my 2017 petition.

The calculus deployed by the judges of this Court in the weighing of consequences for the misconduct of a trustee, two judges or the State of New Jersey should be quite simple since you now know my August 8, 2018 motion and my reply to the state (Docket 41, page 5-7 in my initial petition filing) that was not docketed for a month – would have been granted by any unconflicted bankruptcy judge or trustee.

Exhibit 1 details the misconduct of the trustee and judges and Exhibits 2-5 provide further evidence of their ongoing misconduct, but, most importantly, it provides to the members of this Court the same exculpatory evidence that the \$809,237 claim is false and needs to be reduced to ZERO – the utter destruction of the state's argument that the person who supplied them with the information that I "unjustly enriched" myself with Alfred Kryspin's \$809,237 investment in Digital Gas was himself a criminal who misled the State of New Jersey. Although misled by

---

<sup>1</sup> Greenberg Traurig not only knew their clients were facing criminal charges in Iowa, but also assisted them in the period after 2006 with legal advice as they went after the assets of Digital Gas, one after another, as my husband was attempting to defend 201 families victimized by fraud and criminality.

Reckinger, the DAG is guilty of forgery because he changed the name on the evidence submitted to Chancery Court from an entirely different company that Kryspin invested around \$450,000 in to "Digital Gas" to fit the narrative that Digital Gas needed to be "shut down" – the words of Attorney General Stuart Rabner.

In support of the above statement, I end this letter with a complaint letter:

***Reckinger and Levinson Cited As Criminals to Rabner in January 2007***

After my husband terminated his relationship with Levinson and Reckinger after they asked him to divert the ownership of a quarry to Jamaica (Rumeal Robinson), they attempted to disrupt shareholders to strip away Digital Gas assets. The state and Attorney General Stuart Rabner had this complaint to the Controller of the Currency in 2007 but ignored it. Judge Kaplan ignored it, the trustee ignored it. Judge Kaplan does not want the aftermath of exposing the criminality on his hands and Andrea Dobin is in the business of stripping families away from innocent homeowners to her money laundering network based in Lakewood, New Jersey.

As a result of Attorney general Rabner and his staff ignoring this, Rumeal Robinson was not indicted by the United States Attorney until the fall of 2009.

More people were raped by the criminals in these three years.

The bank covered it up because they did not want to get fined for the \$100,000 bribe their officer took from Reckinger and Levinson.

Chief Justice Rabner wanted to stay Chief Justice and retire in 2026.

My husband intends to expose him publicly by the national election in 2020 and, anyone who aided and abetted him over the last 14-years.

What Rabner and the DAG had in January 2007

## COMPLAINT

### Office of the Comptroller of the Currency

1301 McKinney Street  
Houston, TX 77010-9050

(713)-336-4301 (Fax)

**BY:**

Brian Smith  
409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
732.927-0185  
732.782-0204  
[springlake@optonline.net](mailto:springlake@optonline.net)

**AGAINST:**

Mr. Mark Degner  
Ms. Karen Andeweg  
Board of Directors  
Community State Bank  
817 North Ankeny Avenue  
Ankeny, Iowa 50021

### COMPLAINT

The complaint can be evidenced by the letter that was sent to Mark Degner which was ignored and what is written below.

In essence, Mark Degner and Karen Andeweg approved a loan that no federal bank in the US would have approved which is to give substantial loan to value against restricted shares of a small publicly and thinly traded Pink Sheet listed company.

In addition to whatever banking regulations that may have been violated, the above persons failed to do the normal and indicated due diligence on:

- the persons applying for the loan;
- subordinates involved;
- alleged personal relationship the borrowers or associates may have had with officials at the bank;
- whether the shares were stolen from or cancelled by the issuer;
- whether the issuing company placed additional restrictions on the use of the shares for loan or hypothecation; and
- the veracity of the statements made on the loan application.

In addition to there allegedly being a false or misleading loan application made and a compromise of the fiduciary responsibility of a banking officer, the borrowers may have informed someone at the bank prior to the granting of the loan that they were using the proceeds of the loan to in part aid and abet the circumvention of the equity and commercial rights of hundreds of shareholders of the public company.

It is believed that a banking officer was fired in connection with this loan.

Ms. Andeweg contacted me in August 2006 and was told that the borrowers had defrauded the public company. Despite being informed of this, Ms. Andeweg failed to contact the Office of the Controller of the Currency, the local prosecutor and/or the Attorney General of the State of Iowa to begin a formal investigation of Fairway Energy, Barry Levinson, S. Thomas Throne and their associates Ron Reckinger and Rumeal Robinson who may have been responsible for "setting up" the loan at the bank.

Damning in our opinion is that Ms. Andeweg was less interested in following up our advice to investigate this obviously tainted and fraudulent loan, then she was in making sure that those alleged to have committed fraud against the public company and the bank received further ill-gotten benefit from the use of the restricted shares by continuing to insist that the shares be freed up for trading.

Absolutely damning of Ms. Andeweg in our opinion is that, despite the fact that she was aware that the borrowers had effectively abandoned the loan at the time she contacted us (this was admitted by Frank Grenard, lawyer for the bank), she appears to have aided and abetted these persons by acting on the borrower's advice that the public company had somehow defrauded them. This was evidenced in an email by Ms. Andeweg which either described the public company as either criminal or fraudulent. This occurred despite the fact that Ms. Andeweg was advised that the borrowers had attempted to steal assets, options and opportunities from the public company.

In addition to not acting to investigate our claims regarding the loan being fraudulent, which should have immediately halted her requesting on behalf of Mr. Degner, the Board of Directors and the Community State Bank to free up the restricted shares, Ms. Andeweg brought in Frank Grenard of Whitfield & Eddy, PLC to further cover up the various frauds and compel us to free up the restricted shares. In the course of our communication with the bank, as represented by Whitfield & Eddy, PLC, threats were made that the bank would attempt to free up the restricted shares on their own, as opposed to working with us to protect both the shareholders of the bank and the shareholders of the public company.

In the end, whether through Ms. Andeweg, Whitfield & Eddy PLC or through Mr. Degner and the Board of Directors of the Community State Bank, the bank may have purposefully and maliciously acted against the interests of the innocent shareholders of the public company by filing a complaint against the public company for not freeing up the shares and leaving the bank with a bad loan.

It appears as if the bank wanted this matter swept under the rug by the end of the third quarter, September 30<sup>th</sup>. We informed the bank that we would be interested in buying the note and prosecuting the borrowers on our own. We indicated that we could possibly pay then \$650,000 in October through a bridge loan we expected pursuant to a senior financing the small public company had successfully negotiated.

Whitfield & Eddy would have nothing to do with a delay beyond September 30<sup>th</sup> and cut off effective and responsible communication. We believe this urgency by the bank was in order to avoid reporting the matter and our charges to the applicable state or federal banking, law enforcement or other regulatory authorities, be they the Office of the Controller of the Currency, the local prosecutor and/or the Attorney General of the State of Iowa. It appears as if they wanted to avoid reporting or publicly disclosing that the Board of Directors of the Community State Bank either did not have the proper checks and balances of their officers or supervisors in place and/or that a banking official within Community State Bank may have committed a felony in connection with this loan.

I personally alerted Mr. Mark Degner of these matters on January 17, 2007 and he never responded. I doubt if he has referred this matter to the applicable state or federal banking, law enforcement or other regulatory authorities, hence, I am filing this complaint.

The simple questions to be asked here, which should have been asked by Mr. Mark Degner, Ms. Karen Andeweg and the Board of Directors of the Community State Bank, are the following:

“How does:

- Barry Levinson of Boca Raton, Florida
- S. Thomas Throne of Sheridan, Wyoming
- Ron Reckinger of Lakewood, New Jersey (formerly of Michigan); and
- Rumeal Robinson of Miami, Florida (formerly of Michigan)

all find themselves at 817 N. Ankeny Blvd. in Ankeny, Iowa?

Does Community State Bank advertise that it grants “high LTV” loans on restricted shares of Pink Sheet stocks?

Did Mr. Wegner or Ms. Andeweg or someone on the Board of Directors know and vouch for the borrowers?

Was there someone fired in connection with this?

If so, when?

If so, did he (or she) know any of these people from Michigan, New Jersey, Florida and was there remuneration of some kind for granting the loan?

If so, why was this loan not thoroughly investigated, including calling the small public company to check to see if the restricted shares were not stolen, cancelled or prohibited for the use of loans at federal banks?

If so, why were the applicable state or federal banking, law enforcement or other regulatory authorities not contacted at some point?

The persons borrowing against the restricted shares were all involved in a conspiracy to defraud the shareholders of the public company.

Several of the persons were either an officer & director of the public company, consultants to the public company and a lawyer charged with protecting and furthering the interests of the shareholders of the public company.

If none of the above was mentioned on the loan application, they committed bank fraud. It further illustrates the mistake the bank made by not calling the public company in connection with this loan. The only calls they made was to free up shares despite being advised that these people had committed fraud against the bank and the public company.

Several of the persons and proxies working for them filed complaints against the public company at the prosecutor's office in Monmouth County New Jersey. They complained that the public company was a scam, had no assets and the stock was worthless.

If none of the above was mentioned on the loan application, they committed bank fraud. It further illustrates the mistake the bank made by not calling the public company in connection with this loan. The only calls they made was to free up shares despite being advised that these people had committed fraud against the bank and the public company.

IN ESSENCE, LESS THEN THREE MONTHS BEFORE THE COMMUNITY STATE BANK GRANTED THIS LOAN, THE BORROWERS CLAIMED TO LAW ENFORCEMENT IN NEW JERSEY THAT THE SMALL PUBLIC COMPANY WAS A SCAM AND ITS STOCK WORTHLESS.

THE ABOVE DID NOT STOP THEM FROM, BASICALLY, "ROBBING THE BANK".

The prosecutor's office did nothing after the initial complaints in August of 2005. The reason being was that the public company provided them with evidence that investors were being used by these people to destroy or weaken the public company so they could go after assets, options and opportunities controlled by the public company in the US and Canada. Any time an investor asked for the return of their cash and/or shares, the public company cooperated with investors and regulators. These people attempted to destroy the public company for greed and, in a further cynical and criminal act of greed, they either compromised someone at this bank OR this bank is the friendliest bank this side of the Mississippi.

I would like to believe the former. However, the bank has never given us reason to trust them.

Mr. Degner never responded to our formal request for information and help this past January.

Ms. Andeweg seemed like a cheerleader for these bank robbers.

The law firm representing the Board of Directors wrote this gloating email to our lawyer after we honestly and sincerely attempted to extricate the shareholders of the bank from financial loss due to this fraudulent loan.

-----Original Message-----

From: FRANK M. GRENARD [mailto:[grenard@whitfieldlaw.com](mailto:grenard@whitfieldlaw.com)]  
Sent: Wednesday, October 18, 2006 6:50 AM  
To: Davidson, Roger V. (Denv)  
Cc: FRANK M. GRENARD  
Subject: RE: Digital Gas

Roger,

Does the attached mean that the \$400mm funding for Digital Gas is on hold?

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, is confidential and may contain attorney-client materials and/or attorney work product, legally privileged and protected from disclosure. This e-mail is intended only for the addressee named above. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it and any and all copies of it. Thank you.

Frank M. Grenard  
Whitfield & Eddy, PLC  
317 6th Ave., 12th Fl.  
Des Moines, Iowa 50309  
[grenard@whitfieldlaw.com](mailto:grenard@whitfieldlaw.com)

(515) 246-5582  
[mobil] (515) 240-0251  
[fax] (515) 246-1474

The above leads us to believe that the bank somehow feels that we are responsible for their \$850,000 loss. Wanting to clear up the issue is one reason why I am filing this complaint. The other reason is that I have to act to protect the shareholders of the public company. It is obvious that the borrowers who victimized the bank also victimized the small public company. I want to make sure that the facts are known by the applicable state or federal banking, law enforcement or other regulatory authorities and that the bank, if it filed a complaint against the small public company, retracts it and issues a public apology for the complaint and for not contacting us prior to the granting of the loan.

We had nothing to do with defrauding this federal bank. If they called in November of 2006, we would have advised them not to grant the loan based on that collateral. None of this would ever happen and the false claims, lies and/misleading statements or general innuendo to regulators in New Jersey that we may have somehow defrauded a federal bank may not have been used as a pre-text to finally move against the public company which has resulted in pain, suffering and financial loss to innocent investors across the country, internationally and even in Iowa.

There is no doubt in our mind that, in an attempt to compel us to free up these restricted shares, Levinson et al once again contacted the prosecutor in New Jersey in the late summer of 2006 (after we rejected the bank's request to help them).

There is reason to believe that the bank may have aided and abetted these people in some manner or at some level, perhaps thinking that we would be pressured to free up the restricted shares. We have evidence suggesting this and that a claim that we had defrauded this federal bank, as opposed to the borrowers, may have been filed officially by the bank or mentioned in an interview with investigators.

Hopefully, this clears the matter of the fraudulent bank loan up.

Hopefully, the applicable state or federal banking, law enforcement or other regulatory authorities will move against Levinson, Throne, Reckinger, Robinson and the others who have shown how deceitful they were against the small public company from 2004 through the present by the way they defrauded the bank.

The sad thing was that Levinson and Throne were brought in to augment the management of the public company.

The only thing they managed was to defraud the company and then the bank with the restricted shares they had told prosecutors and regulators were worthless before, during and after the granting of the loan.

The use of the loan proceeds should be investigated for additional criminal activity. For example:



- the restocking of a prescription drug (bootleg **VIAGRA**) that Mr. Reckinger laces with **CHOCOLATE** and sells to minors, seniors and others in New Jersey and elsewhere.

NOTE: The illegal drug is packaged under the name BOOM and has been widely distributed in Lakewood and Brick, Monmouth County. It has been reported that Mr. Reckinger may have fled Monmouth County and may currently reside in Miami with Mr. Robinson referenced above. BOOM may now be sold in Miami or Southern Florida.

- Distribution of funds to Mr. Ed Presley in contravention of the Wyoming Bankruptcy Court
- Distribution of funds to Mr. Throne in contravention of the Wyoming Bankruptcy Court
- Use of a significant portion of the funds for a condominium for Mr. Levinson's girl friend in Boca Raton

If none of the above was mentioned on the loan application, they committed bank fraud.

I have nothing against the Community State Bank other than what I outlined before. I wanted their help, asked for it and they ignored me or obstructed us in our attempt to bring these people to justice in August 2006. Instead, the shareholders of the public company, who I tried to protect from these people, have been damaged.

Please help, as we have received word that they are still attempting to steal assets, options and opportunities of the public company.

Thank you.

*Brian Smite*

So, not only were Reckinger and Levinson criminals, the Officers and Directors of Community State Bank concealed this letter because they wanted to avoid prosecution and fines for harboring their officer who approved up to \$1.5 million in loans after pocketing \$100,000 from Reckinger and Levinson – who deployed Greenberg Traurig to provide a false narrative to the Attorney General of the State of New Jersey so they could whitewash their criminal use of worthless shares in Digital Gas to obtain fraudulent loans.

**Rabner knew this but wanted to be Chief Judge**

**Kaplan knew** this but 1) wanted to teach me a lesson for filing a Chapter 13 on the day he ordered my house sold at the Sheriff's Office, and 2) did not want to be known as the judge who permitted the Smiths to hold the corrupt regulatory-judicial nexus in New Jersey to be held responsible for aiding and abetting criminal acts and fraudulent concealment of a false \$809,237 claim from the Bankruptcy, District Court and USCOA, Third Circuit.

**Dobin knew** but did not want to renege on a promise to deliver my home to her network in Lakewood, New Jersey. So she held a fraudulent auction, failed to adhere to her Trustee Handbook and violated numerous federal laws by failing to report well-evidenced allegations of criminal behavior to her superiors and the U.S. Attorney – and for participating in a money-laundering scheme with her network of foreclosure and bankruptcy fraudsters and criminals.

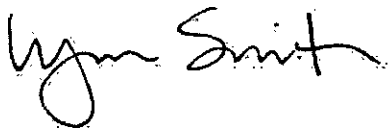
**Thompson knew** but her job was to rubberstamp Kaplan's orders/.

Now the judges of this Court know that this is not simply a legal dispute over Rooker-Feldman.

All the evidence you had, Kaplan and Dobin had and based on the evidence fraud, they had the basis to ask, then order the State of New Jersey to name Alfred Kryspin as my "victim", then attempt to answer the problem posed in the trial court record when Kryspin admitted under oath that he had NEVER HEARD OF DIGITAL GAS until 18-months after he invested in an entirely different company.

This petition is an acid test of the Third Circuit's integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Smith". The signature is fluid and cursive, with the first name "Lynn" written in a larger, more prominent script than the last name "Smith".

Lynn Smith

DATED: January 22, 2019

February 3, 2020 Letter

**Lynn Smith**  
294A Malvern Court East  
Lakewood, New Jersey 08701  
(732) 363-4451  
[lsmith@comonline.net](mailto:lsmith@comonline.net)

February 3, 2020

U.S. Court of Appeals Third Circuit  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: Letter to the Court Introducing Exhibits

Dear Judges of the Court:

I still have faith in this Court and am writing this to provide the unimpeachable evidence that not only was the \$809,237 claim based on the word of a criminal with the associated documents altered by the DAG – but, a crime has been committed against my family by the Office of the Attorney General apart from the Final Judgment and apart from the false and fraudulent claim – that continues to be committed by the Attorney General and the respective DAG's year after year.

The Exhibits provide this Court with not just the reason to grant this petition but to summarily grant all or a significant part of the requested relief.

The end of Exhibit 1 ends with a closing I hope the Clerk of the Court reads and understands, particularly with respect to Exhibit 6.

I do not have access to my computer, records needed and functionality to produce more than this letter and exhibits.

I respectfully request that the entire Court at least review this letter and Exhibits 1-6. Not just for my appeal, but for 201 families and others in Chancery Court, Foreclosure and Bankruptcy Courts.

What is contained in this letter was known by the Attorney General prior to the commencement of the trial in C-316-06 and has been fraudulently concealed for 14-years.

Judge Kaplan knows the truth.

Andrea Dobin knows the truth.

DAG Stempler knows the truth.

The current Attorney General knows the truth.

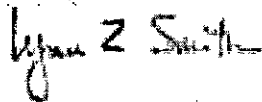
Members of this Court know the truth.

I want my children's home back.

I want the trustee and Judge removed and I want Bankruptcy and District Court support for adversary hearings.

My family has been unnecessarily damaged and this Court is letting corrupt banks, regulators, trustees, and judges sing the Rooker-Feldman Doctrine shamelessly in total disregard for federal law and Congressional intent.

Sincerely,

A handwritten signature in black ink that reads "Lynn Z Smith". The signature is written in a cursive, somewhat stylized font.

Lynn Smith

DATED: February 3, 2020

# **Exhibit 1**

Revised

## **Kaplan Docket Fraud #1 (August 8, 2018 Motion)**

**Judge Kaplan Renames a Show Cause Motion:**

**“Motion to Compel Discovery”**

**To Create the Impression That I Wanted to Relitigate a State Case**

---

## **Kaplan Docket Fraud #2 (September 8, 2018 Reply to State)**

**Judge Kaplan Receives My Reply to State on September 8<sup>th</sup>**

**...But Refuses to Docket It Until Almost A Month Later**

**To Conceal the Fact That the August 8<sup>th</sup> Motion Was About Reducing A False State Claim**

- Not About Relitigating a Final Judgment in State Court**

---

## **Andrea Dobin Lowers Value of Estate for Network Contact**

**Trustee Delivers My Home to Her Accomplice Eli Haltovsky for \$970,000 Instead of Accepting My Plan That Would Have Provided \$1.75 million.**

**One serious question:**

**What About Alfred Kryspin, the man the state, judge and trustee claim I “unjustly enriched myself” with his investment of \$809,237 in Digital Gas?**

**How will my victim get paid?**

**HE WON'T... THERE IS NO VICTIM.**

**AIDING AND ABETTING THE ATTORNEY GENERAL'S 14-YEAR FRAUDULENT CONCEALMENT OF THEIR MISCONDUCT AND CRIMINAL ACTS DURING THE 2006-2009 PERIOD IS NOT A “JUDICIAL ACT”.**

**JUDGE KAPLAN AND ANDREA DOBIN MADE FOOLS OF THE FEDERAL COURT SYSTEM AND A MOCKERY OF THE INTENT OF THE CONGRESS OF THE UNITED STATES OF AMERICA.**

## Kaplan Docket Fraud #1 – The Evidence

The August 8, 2018 Motion That I Filed:

Case 17-34862-MBK Doc 219 Filed 08/08/18 Entered 08/09/18 09:45:04 Desc Main Document Page 1 of 21

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Lynn Smith  
409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
[lzsmith@optonline.net](mailto:lzsmith@optonline.net)  
(848) 469-8485  
SS# 7061

**FILED**  
JEANNE A. NAUGHTON, CLERK

AUG 08 2018

U.S. BANKRUPTCY COURT  
TRENTON, NJ  
BY \_\_\_\_\_ DEPUTY

In Re:

Chapter 13

Lynn Smith

Case Number: No. 17-34862

Debtor:

Judge Michael B. Kaplan

Re: Emergent Motion

### Emergent Motion for State of New Jersey to Show Cause

...and Judge Kaplan's Fraudulent Misrepresentation on the Docket to Create A False Narrative hat I Wanted to Relitigate A Final Judgment In State Court:

219	Filed: 08/08/2018	● Motion to Compel
	Entered: 08/09/2018	
	Terminated: 10/03/2018	

Full docket text for document 219:

**EMERGENT Motion to Compel DISCOVERY** Filed by Lynn Z Smith. Hearing scheduled for 9/10/2018 at 10:00 AM at MBK - Courtroom 8, Trenton. (Attachments: # 1 Certificate of Service) (kmf)TEXT Modified on 8/9/2018 (kmf).

Following Kaplan's Lead...The State Uses a Rooker-Feldman Argument to Avoid the Intent of Congress that Debtors May Question False or Excessive Claims Against Their Estates:

Case 17-34862-MBK Doc 252 Filed 08/29/18 Entered 08/29/18 10:17:22 Desc Main Document Page 3 of 13

August 29, 2018  
Page 3

Debtor's avenues to appeal the Final Judgment have closed years ago. Accordingly, the Bureau respectfully requests that Debtor's motion be denied.

Respectfully submitted,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/Isabella T. Stempler  
Isabella T. Stempler (IS9485)  
Deputy Attorney General

.....But the Purpose of the August 8<sup>th</sup> Motion Was to Ask Judge Kaplan to Make Sure that the \$809,237 Claim Against My Estate Was Not False or Excessive. Our Belief Was Then and Now Is That the State's Is False and They Have Concealed This Fact For 14-Years. They Violated This:

#### **851. FALSE CLAIMS—18 U.S.C. § 152(4)**

Subsection (4) of Section 152 sets out the offense of filing a false bankruptcy claim. A "claim" is a document filed in a bankruptcy proceeding by a creditor of the debtor. It is sometimes also called a "proof of claim." For the purposes of this section the nature of the claim is immaterial-- i.e., the claim can be secured or unsecured, liquidated or unliquidated, disputed or undisputed. A "false" claim is one that is known by the creditor to be factually untrue at the time the claim is filed.

Subsection (4) provides:

A person who...knowingly and fraudulently presents any false claim for proof against the estate of a debtor, or uses any such claim in any case under title 11, in a personal capacity or as or through an agent, proxy, or attorney;...shall be fined..., imprisoned..., or both.



The elements of a false claim violation are:

1. that bankruptcy proceedings had been commenced;
2. that defendant presented or caused to be presented a proof of claim in the bankruptcy;
3. that the proof of claim was false as to a material matter; and
4. that the defendant knew the proof of claim was false and acted knowingly and fraudulently.

***United States v. Overmyer*, 867 F.2d 937, 949 (6th Cir.), cert. denied, 493 U.S. 813 (1989).**

It was not an “error” on Judge Kaplan’s or Trustee Dobin’s part. They both chose to aid and abet the criminality and fraudulent concealment of the State of New Jersey by their non-judicial acts.

In this example, Judge Kaplan responded to a legally justified motion by committing Docket Fraud – to create the impression I was asking for something that the state and the trustee could object to by citing the Rooker-Feldman Doctrine.

## Kaplan Docket Fraud #2 - Evidence

My Quick Reply to the State's Objection To This Motion Led Judge Kaplan to Commit Docket Fraud #2 As Judge Kaplan Concealed Our Reply for Almost One Month. This Is the First 8-Pages of a 129-Page Documented Rebuttal:

Case 17-34862-MBK Doc 284 Filed 09/07/18 Entered 10/01/18 10:49:36 Desc Main Document Page 1 of 129

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Lynn Smith  
409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
[lsmith@optonline.net](mailto:lsmith@optonline.net)  
(848) 469-8485  
SS# 7061

**FILED**  
JEANNE A. NAUGHTON, CLERK

SEP 07 2018

U.S. BANKRUPTCY COURT  
TRENTON, NJ  
BY  DEPUTY

In Re:  
  
Lynn Smith  
  
Debtor

Chapter 13  
  
Case Number: No. 17-34862  
  
Judge Michael B. Kaplan  
  
Re: Reply Brief

### Reply Brief to State of New Jersey Opposition To August 8, 2018 Motion Regarding Nature and Validity of Its Claim of \$809,000

The parties to the order and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Counsel

Carol L. Knowlton, Esquire  
Gorski & Knowlton  
311 Whitehorse Avenue  
Hamilton, N.J. 08610

Chapter 7 Trustee

Andrea Dobin  
Trenk DiPasquale, P.C.  
427 Riverview Plaza  
Trenton, NJ 08611

Attorney General

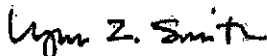
Gurbir S. Grewal  
Office of the Attorney General  
25 Market Street  
Trenton, NJ 08625-0080

N.J. Attorney General

Isabella Stempler, Esquire  
Office of the Attorney General  
P.O. Box 080  
Trenton, N.J. 08625

I hereby certify that the foregoing statements made by me are true. I am aware that should any of the foregoing be willfully false, I am subject to punishment. This document is filed in good faith.

DATED: Friday, September 8, 2018.



Lynn Smith

Case 17-34862-MBK Doc 284 Filed 09/07/18 Entered 10/01/18 10:49:36 Desc Main Document Page 2 of 129

Lynn Smith  
409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
(848) 469-8485  
lzsmith@optonline.net

September 8, 2018

Honorable Michael B. Kaplan  
United States Bankruptcy Court  
Clarkson S. Fisher US Courthouse  
402 East State Street  
Trenton, NJ 08608

Re: Reply Brief to State of New Jersey Opposition to August 8, 2018 Motion Regarding Nature and Validity of Its Claim of \$809,000

Dear Judge Kaplan:

The attached Exhibit 1 provides a reason why the State of New Jersey does not want this motion to pass, nor will it like my suggestion of an October 1, 2018 hearing regarding what I suggest to the court that they submit as responses to the two questionnaires on September 17, 2018.

From Exhibit 1 I submit the following in the body of this brief. Although the apparent context is mixed with that of the motion for the reverse mortgage, they are both related:

1. The State Does Not Want to Present Evidence that Will Make It Liable for \$5+ billion in Damages, and
2. The State does not want to risk my being able to receive \$65,000 for legal representation.

State of New Jersey Knows It has No Valid Claim

In their opposition to my motion requesting that the State of New Jersey prove that their \$809,000 claim is based on my receiving cash from private placements or stock sales of investors in Digital Gas, the state not only avoided the opportunity, they misrepresented the intent of my motion to the court.

On the very first page of her August 29, 2018 letter brief, Ms. Stempler falsely stated the following:

Case 17-34862-MBK Doc 284 Filed 09/07/18 Entered 10/01/18 10:49:36 Desc Main Document Page 3 of 129

In her motion, the Debtor requests that Your Honor vacate the Final Judgment and seeks to compel the Bureau to provide the evidence supporting Final Judgment. Debtor's Brief at 2. This motion must be denied because Debtor is inappropriately attempting to re-litigate the Final Judgment.

Ms. Stempler chose a defense that she knew Your Honor had to agree with if you never read my motion. She knows Your Honor stated numerous times last fall and this spring that you can't change final judgments from state court, you don't have jurisdiction to do that. Ms. Stempler has one problem though:

I never used the words FINAL JUDGMENT in my motion!

Furthermore:

The word FINAL is not in my motion.

Furthermore::

The word JUDGMENT is not in my motion

It appears that Ms. Stempler is following the Trustee's lead and is saying anything to you relying on the fact that you will rule against me regardless of the facts

What I asked Your Honor to do is to review their responses to the questionnaire and when Your Honor sees there is no Digital Gas investor or investors whose funds from purchasing a Digital Gas private placement or placement totaling \$809,000 ever went into my account on whatever list they used to construct the fine, that you would expunge it. I may have used the word vacate but allowing for the stupidity of a pro se litigant not having an attorney to use expunge, rather than vacate, the effect is the same. In the absence of state evidence that their \$809,000 has a basis in reality, and not a device to encumber and eventually steal my home, Your Honor does have jurisdiction to reduce the claim or eliminate it entirely.

On Monday at 5 pm I am being evicted from my home. If the state had supplied the list when I requested it on August 8<sup>th</sup>, I would be in Chapter 13 and my children who have not been made aware that we must leave the home on Monday and have had to suffer the life altering scars imposed. Ms. Stempler and her handlers fear evidence entering Your Honor's court that one of the so-called investors I defrauded is tied to the criminals who defrauded the Community State Bank of Ankeny, Iowa.

The further insult to Your Honor's intelligence and a threat to your reputation that you do not make life-altering rulings without doing a full and complete due diligence (in this case a verification

that the state's claim is valid and not based on a false representation to them by criminals who robbed a federal bank, is these two additional facts to consider:

1. Apart from the fact that the man was tied to the group of criminals, he never invested in Digital Gas, and
2. The paperwork supporting their claim was a forgery by the DAG and his investigators.

Of course, there is paperwork to support the above claims – that is why Ms. Stempler has used misdirection, a form of mysticism, to get you to believe my motion was to have you vacate the Final Judgment of state court, rather than to do what has been asked of you now for over 1-year, use your judicial discretion to investigate the nature and validity of the claim itself. You have jurisdiction to do this. We have asked you to take up this responsibility to avoid a manifest injustice to our children,

The evidence will be presented to another court because I cannot trust that Your Honor will fairly, honestly and without prejudgment weigh the facts and evidence and expunge the state claim, thus returning my house to my children and me. You believe I wronged you when I filed Chapter 13. That is not the case. I knew you had not done from September through December 11, 2018 what I have tried to have you do here – put their claim, not the final judgment, to the test. There is one thing Your Honor can do to change my mind and cause me to spend \$1,000 from my next pay check for an attorney to prove to you that their claim is invalid:

Because Isabella Stempler's August 29th opposition to my August 8<sup>th</sup> motion was completely unresponsive, and:

1. since I never asked you to change the state final judgment,
2. since I did not use the word "final";
3. since I did not use the word "judgment";

Your Honor should order Ms. Stempler to fill out the two forms with the names of the so-called Digital Gas investors and deliver the completed documents to the court with a copy to me on or by September 14, 2018. I will file my response on or by September 21<sup>st</sup> which will give her 7-days until September 28<sup>th</sup> to reply to my response and have that matter hear on October 1<sup>st</sup> as well.

As I said in my motion, just fill out the two forms and submit to the court:

**Your Honor does not require dozens of pages from them, ad hominins or their opinion.**

Case 17-34862-MBK Doc 284 Filed 09/07/18 Entered 10/01/18 10:49:36 Desc Main Document Page 5 of 129

With just the names on both forms, a letter brief with exhibits will be filed in your court that will demonstrate the State of New Jersey has a false claim and, worse, a false claim based on documents that were forged and altered. Ms. Stempler can rebut that brief and evidence on October 1<sup>st</sup>.

If you truly want to be fair and removed the appearance of bias and impropriety, you will order the above today.

Andrea Dobin Is Not Very Bright When Threatened and The Opposition She Filed Threatens Your Honor and the Reputation of the U.S. Bankruptcy Court in Trenton, New Jersey Since She Seems to Support the Position that Restitution to My Alleged Victims is Not Needed and You Appear to Agree

The above statement regarding the reputation of this Court could not be more evident than in Andrea Dobin's responses to having to recall the two retention motions and to being identified as a perjurer. Shortly after that my husband and I advised Your Honor that her behavior could hurt you and your standing as a judge. Now there is a worse mistake than those attacks against me.

Consider this statement that she made in her opposition motion which managed to convince Your Honor to reject the reverse mortgage that I arranged to pay \$400,000 at the first stage and a further \$1+ million at a second stage, if I receive an adverse ruling ordering me to pay the disputed claims.

A refinance is impossible without the State's consent to allow the refinance to proceed without payment of its judgment. Without that consent, the States' \$800,000 judgment of record will prevent the consummation of the refinance.

My response is very simple and can be relayed to Your Honor in a question and a comment:

1. Why wouldn't the state consent?

A sale of \$985,000 less Andrea Dobin's \$150,000 fees does not pay the State.

Giving \$400,000 to the bank and undisputed creditors leaves me with funds for an attorney, for my children's education, \$35,000 to repair the house and increase its value – and most of all - a house that I still own and which Andrea Dobin controls and can sell for \$1.85 million after the District Court examines the nature and validity of the state's. Ms. Knowlton's and the IRS claims

2. I have already stipulated that after the \$400,000 is paid that if the state's claim was validated by the District Court, where a suit has been filed precisely for that purpose, I have suggested that once the \$400,000 is paid, the Chapter 7 proceedings can be stayed pending the District Court decision.

If the state wins, my home gets sold for its rapidly climbing market value currently at \$1.85 million and the state can take \$809,000 plus 9-years of interest.

If I win, I go to Chapter 13.

This offer is already on the table. Andrea Dobin knows this, Isabella Stempler knows this and, most of all, Your Honor knew this the day I filed my motion. To wit:

Lynn Smith  
409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
(848) 469-8485  
lzsmyth@optonline.net

September 5, 2018

Honorable Michael B. Kaplan  
United States Bankruptcy Court  
Clarkson S. Fisher US Courthouse  
402 East State Street  
Trenton, NJ 08608

Re: Emergent Motion to Permit Closing of Reverse Mortgage

Dear Judge Kaplan:

The funding source has been identified and committed in writing that he can close the transaction in the short term

Benefit to State of New Jersey & Ms. Knowlton

The main material change benefits the major contested creditors, such as the State of New Jersey and Carol Knowlton who are seeking at or around \$1 million. If Your Honor speaks to Andrea Dobin and agrees to support this way of increasing the cash value of the estate, there will be enough cash in the estate to pay all creditors to have the possibility of being paid off, possibly in full. She appears to have told Matt that she might be willing to let this transaction close.

Case 17-34862-MBK Doc 284 Filed 09/07/18 Entered 10/01/18 10:49:36 Desc Main Document Page 7 of 129

Yet Your Honor denied my motion.

Why? Is it because it provides me with funds for an attorney?

If Your Honor orders the reverse mortgage, the creditors benefit.

Andrea Dobin might be a little embarrassed and frustrated.

The only person who stands to lose, perhaps as much as \$500,000, is the creep from Lakewood who preys on the citizens of the state of New Jersey. Do you really care about this man?

It Is Now Your Honor's Responsibility to Protect the People I Defrauded of \$800,000

Ms. Dobin made a ridiculous argument that:

1. Supports my motion;
2. Places into question why Ms. Stempler is not agreeing to the reverse mortgage;
3. Places into question why Your Honor would not want the extra \$1 million;
4. Places into question the objectives of this Court, i.e. is this about maximizing cash for creditors or, like the 12-year history of C-316-06 and F-40519-09;

#### **DENY THE SMITHS LEGAL FUNDS AT ANY COST**

I will repeat her main argument:

A refinance is impossible without the State's consent to allow the refinance to proceed without payment of its judgment. Without that consent, the States' \$800,000 judgment of record will prevent the consummation of the refinance.

It seems like Andrea Dobin and Isabella Stempler have forgotten what the \$800,000 judgment was for:

#### **RESTITUTION**

The \$985,000 - 150,000 - \$835,000 does not fulfill the purpose of the final order and judgment in C-316-06 which is to pay back the \$809,000 to the alleged victims of my actions in C-316-06. The purpose of the order and judgment against me was:



### DISGORGEMENT

So, let's disgorge by the best way possible at this point: My Reverse Mortgage Plan. According to Matthew, all it needs is Andrea's agreement and he quoted her as saying that it was indeed a possibility of being implemented!

What is stopping it?

I respectfully suggest that Your Honor can resolve all these problems and take care of valid creditors most expeditiously by taking this course:

1. Speak to Andrea Dobin
2. She agrees
3. Your Honor orders it

If everyone can't seem to decide whether to position the State of New Jersey to take in \$809,000 plus 9-years of interest, perhaps the new Attorney General and the Governor should add their thoughts?

### Closing Statement

Granting this motion is in the best interest of all creditors with valid claims.

Granting this motion is not in the best interest of all creditors with invalid claims.

If Your Honor want justice for 201 families after 12-years, grant this motion

If Your Honor wants to continue concealing the truth, deny this motion.

If the State of New Jersey does not like these prospects then the new Attorney General and the Governor should accept our offer to join hands and go after the criminals who destroyed 200 families and mine, including raping the minds and emotions of my two children with this move on Monday.

Read Exhibit 2 carefully over the weekend.

This will be copied to the Governor, the Attorney General, the Legislature, the Attorney General of the United States and Judicial Watch.

Respectfully,

*Lynne Z. Smith*

**NOTE:**

**All the State Had to Do Was Name the Victim, His Address, the Amount He Invested and the Date. Their Refusal to Name the Investor Whose Investment in Digital Gas I “Unjustly Enriched” Myself from Led to The Sale of My House Several Weeks Later and The Waste of Going on Two Years of Federal Court Time and Resources and Taxpayer Moneys.**

**After the State refused to supply the documents or information that the United States Congress said they are obligated to turn over to the Bankruptcy Court when a debtor alleges that a false or fraudulent claim was filed against an estate, I did the following:**

- **Named the “Alleged Victim”: Alfred Kryspin;**
- **Provided the Trial Transcript of the DAG who named Kryspin as Being Owed \$800,000;**
- **Provided the Trial Transcript of Alfred Kryspin who Swore Under Oath That He Had Never Invested In Digital Gas;**
- **Provided the Trial Transcript that Proved the DAG Forged the Title of Kryspin’s Investment History;**
- **Provided the Trial Transcript Where Kryspin Indicated That He Only Heard of Digital Gas 18-Months After His Investment of \$400,000 in a Different Company;**
- **Provided the Trial Transcript Where the DAG Indicated His Source of Information Concerning Kryspin Came From A Man Named Ron Reckinger – Reckinger Was An Associate of Rumeal Robinson Who Along With Reckinger and Others Defrauded A Federal Bank: <https://www.espn.com/mens-college-basketball/news/story?id=5548218>. Note this paragraph in the article:**

**“When it became obvious the Jamaica deal would fail, Robinson and Williams became involved in an energy project with a company called Fairway Energy. Williams loaned \$495,000 to the company in exchange for a promise of a payment of that same amount to Williams. Another \$101,000 loan was made by Williams in connection with the energy company.” Remember the names Reckinger and Fairway Energy.**

## **Andrea Dobin Lowers Value of Estate for Network Contact**

Not only does the above presentation show that Judge Kaplan fraudulently altered the docket and concealed the motion and its information (that should have led him to grant the August 8, 2018 motion) from the public for almost a month, --- but Trustee Andrea Dobin did the same.

I am now going to make the argument that Judge Kaplan and Andrea Dobin ignored federal law and defrauded my estate to deliver a \$1 million profit to:

### **Eli Haltovsky**

...a person in Dobin's network money laundering thieves that prey on innocent New Jerseyans.

Worse than the above is that there was absolutely no thought to increase the cash value of the estate to \$1.75 million in order to have the extra money needed to pay the person whose money I "unjustly enriched myself" with.

Andrea Dobin refused to permit me to bring \$675,000 in cash to pay all uncontested creditors for one reason:

### **The State of New Jersey Would Not Permit It**

My Offer to Bring \$675,000 of non-debt funds into my estate to pay all righteous creditors came with the proviso that once everyone was paid other than the State of New Jersey, I would be permitted a stay to file a complaint in federal court to establish that the \$809,237 claim of the state was false and that it needed to be significantly lowered to protect my estate.

If I were proven right, I would go to Chapter 11 or Chapter 13.

If I were proven wrong, I would move out of my home and it would be sold in an orderly fashion for a minimum of \$1.75 million. It is now worth \$2.1 million.

The state should have embraced this plan since Alfred Kryspin, the person whose \$809,237 I unjustly enriched myself with, would get his money back.

Why did the state not agree to this?

The answer is quite simple, the DAG perjured himself by claiming that I “unjustly enriched” myself with Alfred Kryspin’s \$809,237 investment in Digital Gas.

Kryspin never made an investment in Digital Gas.

The DAG received that notion from Ron Reckinger who was in the process of stealing a \$5 billion asset that Digital Gas had an option on.

Later on, when Ron Reckinger’s partner, Rumeal Robinson, was indicted along with the bank manager that Reckinger, Robinson, and others bribed with \$100,000, the Office of the Attorney General was embarrassed and feared a massive damage suit for having believed this ridiculous story that Attorney General Rabner did not have the time to confirm with the proper due diligence.

My home was raided on October 11, 2006. Remember that date.

We will get back to Reckinger and Robinson in a later section of this exhibit because the State’s claim that I unjustly enriched myself was provided to their DAG by Reckinger.

### **Closing of Section**

In closing this section on Andrea Dobin, it is noted that she indicated on November 1, 2018, that the sale had been consummated. The date that occurred was on October 30, 2018. The final point is that 22-days after the sale was “consummated” Dobin had Haltovsky make an approximate \$123,000 payment directly to the IRS. A sale in this serious situation should have been consummated with full payment. Apparently, Dobin was in a rush to announce a sale.

We see in Exhibit 2 why she rushed the sale.

We see in Exhibit 3 additional insight.

We see in Exhibit 4 additional insight.

Judge Thompson still believed out of incompetence or incapacity:

1. I had no reasonable chance of "success" even though in August 2018 a guaranteed non-debt cash offer of \$679,000 was presented to the Bankruptcy Court and the District Court;
2. That I was seeking to overturn a state court Final Judgment, rather than seek a false claim to be investigated to reduce its amount which had already been proven too high by \$809,237.
3. That there was no legal difference of opinion on the August 8, 2018 Motion, even though Judge Kaplan fraudulently noted on the docket a label for the motion that suggested I was seeking to overturn a state court final judgment, as opposed to seeking the relief afforded by Congress to question false claims and have them investigated and reduced accordingly if the evidence supported it; and
4. She could do nothing based on this Court's December 17, 2018 opinion which I critiqued in a 100-page rebuttal that proved no one in this Court, including the clerks, did anything but summarized the false and misleading papers submitted by the State of New Jersey, desperate not to be responsible, criminally responsible for \$600 million and the return of \$5 billion of assets stolen by Ron Reckinger and his partners.

**The Bankruptcy Court, the District Court and the judges of the U.S. Court of Appeals, Third Circuit All Are Well Aware of the Fraudulent Concealment, Better Criminal Concealment of the Office of the Attorney General of the State of New Jersey are guilty of 18 U.S.C. § 152(4) since the commencement of my petition and have been doing the same for the last 14-years. DAG Stempler should be reported to the appropriate authorities as a start since with this document you have even more compelling evidence that the \$809,237 claim against me needs to be lowered to ZERO.**

We ended a section several pages back with the following:

**My home was raided on October 11, 2006. Remember that date.**

**We will get back to Reckinger and Robinson because this claim that I unjustly enriched myself was provided to the State's DAG by Reckinger.**

**I will add another date: September 29, 2006.**

That is the day Brian Smith told a director of the Community State Bank in Ankeny, Iowa that he would not dishonor the investors of Digital Gas and destroy their investment value by freeing up the 3+ million shares of worthless stock that was used as collateral by Ron Reckinger, Rumeal Robinson and others in securing up to \$1.5 million in fraudulent loans.

Exhibit 2 is the October 22, 2018 Emergent Motion that once again provided the trustee and the judge with reason to investigate and reduce the amount of the \$809,237 claim by the state.

That is why Dobin "sold" the property "quick" on October 30<sup>th</sup> and can back a week later and once again reply that I was attempting to relitigate a state court Final Judgment. She added that the matter was moot anyway, since she had "sold" the property, albeit for who knows how much money. There is no better example of lunacy and criminality than this woman's declaring the property sold when she did not have the purchase price in hand.

It only gets worse.

### **What Happened On October 11, 2006?**

My home was raided and my financial and other records, including 2005 and 2006 tax information, receipts et cetera was taken from my home and never returned.

This also occurred:

Ron Reckinger took control of Fairway Energy.

**AFFIDAVIT FOR S. THOMAS THRONE**

COMBS NOW, S. Thomas Throne, after being duly sworn and upon his oath states and alleges as follows:

1. This Affidavit is written as a supplement my prior affidavits in the New Energy bankruptcy case.
2. Since my last affidavit in this case several events have transpired.
3. Barry Levinson suffered some health issues and his partner, Ron Reckinger, has taken over securing the funding.

**Now, Let's See Who Owns Fairway Energy:**

Ron Reckinger owns 50%

WY Secretary of State  
FILED: 06/26/2007  
Original ID: 2005-000497786  
Amendment ID: 2007-00062526  
**LIMITED LIABILITY C  
AMENDMENT TO ARTICLES OF ORGANIZATION**

Wyoming Secretary of State  
The Capitol Building, Room 110  
200 W. 24th Street  
Cheyenne, WY 82002-0020

Phone (307) 777-7311/7312  
Fax (307) 777-5339  
E-mail: corporations@state.wy.us

The name of the limited liability company is: FAIRWAY ENERGY LLC

Article VI is amended as follows:

**MEMBERS:**  
BARRY H. LEVINSON 50%  
RON RECKINGER 50%

ARTICLE X is amended as follows:

The term of the manager is Ron Reckinger, succeeding  
Barry Levinson

So, let's repeat what the FBI and the U.S. Attorney found:

"When it became obvious the Jamaica deal would fail, Robinson and Williams became involved in an energy project with a company called Fairway Energy. Williams loaned \$495,000 to the company in exchange for a promise of a payment of that same amount to Williams. Another \$101,000 loan was made by Williams in connection with the energy company."

The “energy project” was one of several assets stolen from 201 families by criminals like Reckinger. The State knew this October 11, 2006 and when it brought Alfred Kryspin to the stand in February 2009.

“Williams” is the bank officer that Reckinger and Robinson gave \$100,000 to as a bribe for approving the loans. Unfortunately, the DAG did not prep the man’s testimony well enough and he admitted under oath that he had no idea what Digital Gas was until 18-months after he invested in another company.

“Reckinger” told the state DAG that I “unjustly enriched myself” with \$809,237 of Alfred Kryspin’s money. He gave the DAG a list of the investments made by Kryspin in an entirely different company.

The DAG removed the name of the company Kryspin invested in and inserted the name “Digital Gas” – document fraud by a state official. It was a stupid felony by the DAG.

We now know that Alfred Kryspin only heard about Digital Gas 18-months after his investment.

We also know that the person who the State DAG relied on to determine that I defrauded Alfred Kryspin of \$809,237 --- **owned 50% of Fairway Energy, a Wyoming Corporation which aided and abetted and benefitted from federal bank fraud to the tune of almost \$600,000.**

**Rumeal Robinson and the bank manager were arrested.**

**Ron Reckinger fled to Spain, then Germany before he was apprehended by Interpol and was brought back to provide documentary evidence needed to convict his partner and the bank manager of fraud.**

According to the FBI and the U.S. Attorney General, Fairway Energy received \$596,000 from a loan at the Community State Bank in Des Moines, Iowa which was secured by Digital Gas restricted shares.

Where Did Reckinger get the shares that he gave to Robinson to secure a total of up to \$1.5 million in loans?



Well, the shares pledged to Community State Bank were 3,000,000+ restricted shares assigned to Levinson and two other associates that would have been worth something if they had delivered a \$95 million financing, but they did not so the shares that were pledged to this federal bank were worthless

This above and the following sequence from the indictment of Robinson shows the type of person Reckinger was.

So, Now We Know:

- Why the State of New Jersey did not want to fill out the form I provided in the August 8, 2018 Motion to Show Cause
- Why the State did not want to name Alfred Kryspin as the person whose investment in Digital Gas I "Unjustly Enriched Myself" with.

More information ignored by the Dobin, Kaplan and Thompson:

**RECEIVED**

**AUG 27 2009**

**CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**BRIAN JERMAINE WILLIAMS,**

**RUMEAL ROBINSON,**

**STEPHENIE HODGE,**

**Defendants.**

**CRIMINAL NO. 4: 09-cr-131**

**INDICTMENT**

**18 U.S.C. § 215**

**18 U.S.C. § 1014**

**18 U.S.C. § 1343**

**18 U.S.C. § 1344**

**18 U.S.C. § 1349**

**THE GRAND JURY CHARGES:**

**INTRODUCTORY ALLEGATIONS**

20. On or about November 10, 2005, defendant WILLIAMS entered an agreement with Borrower C and Attorney A, whose identities are known to the Grand Jury. Borrower C and Attorney A held themselves out as the Chief Executive Officer and Attorney, respectively, for a company called Fairway Energy, LLC.

5

21. The November 10, 2005 agreement called for defendant WILLIAMS to authorize a loan of \$495,000 from Community State Bank to Fairway Energy, LLC. In exchange, Fairway Energy would pay \$495,000 to whomever defendant WILLIAMS wanted. The \$495,000 payment to whomever defendant WILLIAMS wanted was separate and apart from the repayment of the \$495,000 loan plus interest and fees to Community State Bank.

22. On or about November 16, 2005, defendant WILLIAMS authorized a loan of \$495,000 from Community State Bank to Fairway Energy, LLC.

23. On or about February 17, 2006, defendant WILLIAMS sent an email to Borrower C in which Defendant WILLIAMS instructed Borrower C to wire \$241,249 to defendant ROBINSON's personal account at Community State Bank, \$161,934 to Borrower B's loan account at Community State Bank, and the balance of \$91,817 to defendant WILLIAMS' personal account at Wells Fargo Bank. Collectively, these three amounts equal \$495,000.

24. Defendant WILLIAMS and defendant ROBINSON never received any payments from Borrower C or Fairway Energy. On or about February 28, 2006, defendant WILLIAMS received an email from Borrower C stating, among other things: "This deal had to be slowed down as we owe the underwriter \$100,000 that we have been unable to pay. . . Ron has been running ragged trying to find this \$100,000 while I keep both deals moving."

25. On March 1, 2006, defendant WILLIAMS authorized a loan of \$101,044 to

Borrower C. The loan proceeds were disbursed as follows:

- \* \$1,000 to Community State Bank for loan origination fees;
- \* \$44 for two overnight fees; and
- \* \$100,000 to an account in the name of "Windham Securities, Inc." at North Fork Bank, Brooklyn, New York.

6

The "Borrower" is Reckinger and his accomplices. Reckinger is the person that told the DAG I defrauded Alfred Kryspin of \$809,237 to focus the Attorney General on the company that he and others were in the process of stripping of \$5 billion in natural resource assets.

### **Manner and Means**

5. Nominee Borrower - Fairway Energy. It was a part of the conspiracy that defendant WILLIAMS authorized a loan in the name of Borrower C with knowledge that the proceeds of the loan would be used by Fairway Energy and repayment was expected to come from Fairway Energy.

10. Undisclosed Conflict of Interest - Loan to Fairway Energy. It was a part of the conspiracy that defendant WILLIAMS and defendant ROBINSON expected Fairway Energy to compensate them, directly and indirectly, in exchange for defendant WILLIAMS' authorization of a \$495,000 loan from Community State Bank to Fairway Energy.

10	November 16, 2005	Community State Bank, Ankeny, Iowa	Wachovia Bank (Fairway Energy, LLC account)	\$495,000
11	March 1, 2006	Community State Bank, Ankeny, Iowa	North Fork Bank, Brooklyn, New York (Windham Securities, Inc. account)	\$100,000

**A TRUE BILL.**

/s/  
**FOREPERSON**

**Matthew G. Whitaker**  
**United States Attorney**

**By:** /s/ Stephen H. Locher  
**Stephen H. Locher**  
**Assistant United States Attorney**

## Closing

At all times since the first quarter of 2018 Andrea Dobin, Michael B. Kaplan, Anne E. Thompson, and others were aware of the above facts.

At all times these and other facts, evidence and applicable law were ignored in favor of formulaic chants for pro se litigants, such as:

- The Rooker-Feldman Doctrine, which does not apply since I demonstrated that I was not seeking to overturn a state court Final Judgment but simply to have the trustee and the judge assume their Congressionally-intended mandate to investigate and weed out false and exceedingly high claims on my estate,
- In re Revel AC, Inc., 802 F.3d 558, 568 (3d Cir. 2015) where the court opines that I have no reasonable chance of prevailing on the challenges I raise or any clear and indisputable right to relief, and
- That I was not at the courthouse on January 2, 2018 to contest the conversion, since Judge Kaplan and the judges of this Court had copies of the police report of my two daughters being stalked and illicitly contacted by a sexual predator, or
- That I did not contest the sale order to Judge Thompson because on July 23, 2018 my husband and I complained to Judge Goodman that Thompson was incapacitated and should not be handling our appeals or complaints. We instead alleged criminality and have presented this Court with sufficient evidence for it to presume at the very least that there were improprieties, federal law-breaking, and criminality to send this back to either Bankruptcy Court or District Court for total relief or at the very least to vacate or reverse all orders and judgments that removed my children and me from our home and damages us until the present day. **What more blatant example is question Dobin than to hear a debtor claim that he is sleeping with the lawyer for Dobin and the woman is telling him that Dobin acts unlawfully and pressures her to do the same?**

Federal crimes have been committed by the State of New Jersey. Judge Kaplan, Judge Thompson and Andrea Dobin - all ignored the herein facts and evidence which provided them with unimpeachable evidence that the \$809,237 claim was based on the word of Ron Reckinger, a person the state's DAG knew to be a criminal, and the forgery of the financial records of the DAG.

This document undermines the argument by their defense counsel that Michael B. Kaplan and Anne E. Thompson acted judicially.

Depositions and discovery will prove that both Kaplan and Thompson knew that I never “unjustly enriched myself” and that the state’s \$809,237 claim was not only false but fraudulently obtained.

In fact, Attorney General Rabner received the following letter in a large packet of exculpatory evidence that was also sent to the DAG.

Judge Kaplan knew this before I filed my Chapter 13.

Dobin knew this.

Thompson knew this.

When I claimed the \$809,237 claim against my estate was false and needed to be reduced, which is a right bestowed upon creditors to protect their estates, it was not granted by these individuals for one reason:

They all chose to act outside of their respective “official” duties.

They abused their sacred offices and acted non-judicially.

To wit:

**Brian Smith**

409 St. Clair Avenue  
Spring Lake, New Jersey 07762  
(732) 927-0185  
springlake@optonline.net

January 17, 2007

Mr. Mark Degner  
President and Chief Executive Officer  
Community State Bank  
817 N Ankeny Blvd, Ankeny, IA 50021

Dear Mr. Degner:

This letter is to inform you that Digital Gas, concerned shareholder groups and I personally may proceed against Community State Bank on several legal fronts, including banking commission and other regulatory complaints.

We want to avoid this. That is why you are receiving this letter and the attached. If you take immediate, effective action to address certain matters that have devastated our company and its shareholders, including Iowa citizens, the problems caused by your bank and its officers and directors, represented by one or more of your loan officers, as well as your legal counsel, might be interpreted in a different light.

Right now, we view the bank and all of the above named connected with it, as aiders and abettors of persons that have defrauded hundreds of people.

In fact, they recently caused your bank and its shareholders a significant loss of \$850,000. They did this in such a slick and cynical manner as to now make those having oversight and responsibility at the bank to either be seen as totally inept or as facilitators. We know that one of the two above is not true. In fact, we alerted your people to the fraud. In return, they either believed them or found it expedient to aid and abet the defrauders. The negative effect on our company was the same.

Paradoxically, our firm was innocent in its dealings with your bank and, in fact, used its best efforts to prevent your loss of \$850,000. Unfortunately, your attorney and one or more loan officers used extremely bad judgment. All of this is documentable.

Certain emails from your attorney and the person handling the Levinson et al loan clearly indicate that they aided and abetted these people and did not do the proper due diligence on Levinson et al after being warned.

This caused damage to our company and its shareholders. It also hurt your bank and its shareholders. The damage to our company is quite substantial financial and otherwise. I advise you not to ignore this letter. Please note that it is addressed to both you and the Board of Directors.

I advise you to review all emails between Levinson et al, your loan officers and this outside attorney, if you have not already. Do not think what happened is not known or can be ignored. In fact, you should have self-regulated this by now. If not, you have a narrow window to take the appropriate action against these people.

If the lawyer that dealt with us contacts us rudely or postures to us in any matter, I will feel free in the public interest to take this letter and accompanying information and disseminate it to the local and national media and all regulators in Iowa.

I am absolutely livid regarding what occurred to our company and its shareholders. If you do not act to make sure that Levinson et al never do this to a bank, investment bank or small private or public company again, we will make sure that you have plenty of help in doing so.

Do not take this as a negative letter. It is certainly not like the mocking email sent by your counsel to ours after our company was needlessly devastated. Take this as a second chance.

Community State Bank was defrauded by Levinson et al acting in concert with one or more persons from your bank that granted a loan on restricted stock in Digital Gas. The loss to the bank and its shareholders of close to \$850,000 including penalties, fees and expenses, was pure unmitigated fraud.

Instead of listening when advised that we were also defrauded by these people, your bank and its officers and directors, represented by one or more of your loan officers, as well as your legal counsel, "kicked in" with Levinson et al. Their thinking was presumptive, reckless and negligent.

I am forwarding some reference material for you to become acquainted with the activities of Levinson et al. They:

- damaged Digital Gas and its shareholders;
- damaged your bank and its shareholders;
- made a complete mockery of the Wyoming Federal Bankruptcy Court;
- defrauded dozens of innocent creditors.

While you should have been paid interest and principal, reported by your lawyer never having been paid, they took your money and went on a one year joy ride that hurt hundreds of people.

The last loan officer on this, who said something to the effect that we were a "criminal company", and, your lawyer, believed whatever these defrauders told them. This resulted in disastrously damaging affects for Digital Gas and its shareholders.



The attached documents which were given to the Wyoming Federal Bankruptcy Court and the State Bar in Wyoming will serve to advise you of their activities since July, 2005.

How badly your people misread their responsibility and through due diligence out the window can be easily measured.

Two months prior to taking out the loan at your bank Levinson et al dragged their cronies and others (they lied to and misled) into the Prosecutor and Bureau of Securities in New Jersey to complain that the DIGG stock was fraudulent and worthless. This is of course the same stock that he was able to run through your bank two months later as good collateral for a \$600K loan.

The above alone should require a referral to the Iowa Attorney General for appropriate action.

After having read the attached documents, you will have a clearer understanding of the mistakes made by your employee(s) and attorney.

On one hand I feel sorry for Community State's shareholders.

On the other hand I feel sorry for Digital Gas shareholders.

I even feel sorry for one or more of your officers or directors who were not kept informed of what surely some of you suspected at some point and several knew from us.

Nevertheless, your loan officer(s) and lawyer did not act appropriately in this matter. In the end, I must protect Digital Gas shareholders.

Either you clean it up, or, as I said, we will give you some help.

If I hear that you have referred this matter involving Levinson et al to your Attorney General by Monday, it will go a long way toward convincing our damaged shareholders that the Community State Bank is finally taking the appropriate action in this matter and should be seen as a victim as well.

Right now you are viewed as allowing the loan officer and lawyer to make one mistake after another for the bank's self interest with no real follow-up due diligence on Levinson et al after our warnings and no concern for collateral damage. Be advised that Digital Gas has shareholders in Iowa.

If I do not hear the above from you by Monday that the above action against Levinson et al is being taken, then it will be difficult not to immediately proceed against Community State Bank.

We will start with complaints regarding the improper loan and all subsequent events to all applicable state and federal banking and securities authorities. That is not an ultimatum. It is advisement. It is an expression of our prerogative.

Since your attorney and loan officers were acting on your behalf, please secure and preserve all email and other communication between them and Levinson et al. Do the same with the records of the original contact that brought the loan into the bank.

If you agree that both of our companies were victimized and we see that the bank is doing its share to make certain that these people never victimize and misuse small companies, creditors, banks and law enforcement officials, then we can stand back from proceeding.

Sincerely,

A handwritten signature in black ink that reads "Brian Smith". The signature is written in a cursive, slightly slanted style.

Brian Smith

**Financials**

Title: COMMUNITY STATE BANK NA VS FAIRWAY ENERGY LLC ET AL  
Case: 05771 LACL103387 (POLK)

<u>Summary</u>	<u>Orig</u>	<u>Paid</u>	<u>Due</u>
COSTS	270.00	100.00	170.00
FINE	0.00	0.00	0.00
SURCHARGE	0.00	0.00	0.00
RESTITUTION	0.00	0.00	0.00
OTHER	645334.46	0.00	645334.46
	<b>\$645604.46</b>	<b>\$100.00</b>	<b>\$645504.46</b>
SUPPORT/ALIMONY	N/A	0.00	N/A

<u>Detail</u>	<u>Payer/ Payee</u>	<u>Obligor/ Obligee</u>	<u>Orig Amount</u>	<u>Pd. Amount</u>	<u>Date</u>	<u>Receipt Type</u>
FILING FEES, CH OF NM	BURKE THOMAS HOWARD/ STATE OF IOWA	COMMUNITY STATE BANK / STATE OF IOWA	100.00	100.00	10/03/2006	\$68981 CHK
ATTORNEY FEES - JUDGMENTS	LEVINSON BARRY H/ BURKE THOMAS HOWARD	LEVINSON BARRY H/ COMMUNITY STATE BANK	1733.83	0.00		
JUDGMENTS	LEVINSON BARRY H/ BURKE THOMAS HOWARD	LEVINSON BARRY H/ COMMUNITY STATE BANK	107919.21	0.00		
REFUNDABLES DUE TO PREPAID EXPENSES	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / COMMUNITY STATE BANK			100.00	0.00
ATTORNEY FEES - JUDGMENTS	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / COMMUNITY STATE BANK			8465.17	0.00
JUDGMENTS	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / COMMUNITY STATE BANK			527216.25	0.00
REFUNDABLES DUE TO PREPAID EXPENSES	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD			35.00	0.00
REFUNDABLES DUE TO PREPAID EXPENSES	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD	FAIRWAY ENERGY LLC/BARRY LEVIN SON/S THOMAS THORNE / BURKE THOMAS HOWARD			35.00	0.00

These papers were filed by my husband in Judge Kaplan's court in the falls of 2017, as well as in my case.

Judge Kaplan also saw this document which shows that Levinson, Reckinger engaged in some form of influence peddling or bribery of state officials to have them go after an innocent public company and me.

Levinson had close tied to the Greenberg family from childhood and called on Ace Greenberg's daughter to bail him out of criminal charges. The filth of the State and the DAG was such that after my husband forced them to admit that Digital Gas had assets, they filed a motion to appoint Greenberg Traurig as the company's receiver – to make sure Reckinger's, Levinson's and their criminality would never be disclosed:

## Greenberg Traurig

Louis T. DeLucia  
Tel. 973.443.3545  
Fax 973.295.1293  
delucia@gtlaw.com

April 24, 2008

### Via Federal Express

Hon. Thomas W. Cavanagh, P.J. Ch.  
Monmouth County Courthouse  
Hall of Records, 2nd Floor  
1 East Main Street  
Freehold, New Jersey 07728

Re: **Rabner v. Digital Gas, et al.**  
**Docket No. MON-C-316-06**  
**Plaintiff's Motion for the Appointment of a Receiver**  
**for Defendants Digital Gas Inc.**  
**Return Date: April 25, 2008**

Dear Judge Cavanagh:

The return date for Plaintiff's Motion for the Appointment of a Receiver for Defendant Digital Gas, Inc. (the "Motion") is scheduled for tomorrow, April 25, 2008. As the Court is aware from the supporting Certification of Deputy Attorney General Christopher W. Gerold dated April 9, 2008, the New Jersey Bureau of Securities (the "Bureau") has requested that I be appointed as the receiver of the estate of Digital Gas, Inc. I have briefly discussed the matter with Deputy Attorney General Gerold and the Bureau, and am prepared and willing to serve in this capacity.

As the Court considers the Motion and my potential appointment, I wanted to bring to the Court's attention that Barry Levinson was represented by Jacqueline Greenberg Vogt, Esq., an attorney at this firm, in connection with Mr. Levinson's interview with the Bureau and the United States Attorney. I understand that Mr. Levinson may be called as a witness, but is not a defendant or relief party in this case. Accordingly, Ms. Vogt's representation of Mr. Levinson in those interviews should not constitute a disqualifying conflict. However, in the event that I, as receiver, identify claims against Mr. Levinson, I would retain separate conflicts counsel to pursue such actions.

Respectfully submitted,

Louis T. DeLucia

LTD/mrv

cc: Timothy P. Neumann, Esq. (via facsimile and federal express)  
Deputy Attorney General Christopher W. Gerold (via facsimile and federal express)  
NJ 226,395,151v1

Greenberg Traurig, LLP | Attorneys at Law | 200 Park Avenue | 9th Floor | New York, NY 10022-3811  
Tel 973.350.7900 | Fax 973.350.1840

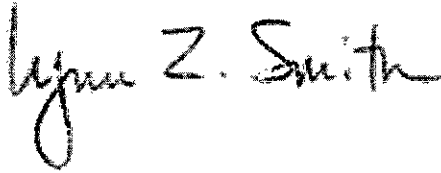
ALBANY  
AMSTERDAM  
ATLANTA  
BOCA RATON  
BOSTON  
BRUSSELS  
CHICAGO  
DALLAS  
DENVER  
DETROIT  
FORT LAUDERDALE  
HOUSTON  
LAS VEGAS  
LONDON  
LOS ANGELES  
MIAMI  
MINNEAPOLIS  
NEW JERSEY  
NEW YORK  
ORANGE COUNTY  
ORLANDO  
PHILADELPHIA  
PHOENIX  
ROME  
SACRAMENTO  
SILICON VALLEY  
TALLAHASSEE  
TAMPA  
TOKYO  
WASHINGTON, D.C.  
WEST PALM BEACH  
WICHITA  
WINDY CITY  
WYOMING  
www.gtllaw.com

The above is added information that demonstrates to Your Honor that no clean judge would have denied my guaranteed offers to pay \$455,000 and \$679,000 and refused my August 8<sup>th</sup> motion seeking documents related to the State's claim for \$809,237 that I alleged to be false.

I have given Michael B. Kaplan and Anne E. Thompson to come clean.

A trial with depositions and discovery will disclose the nature and extent of their non-judicial actions.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Z. Smith". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lynn Smith

DATED: February 7, 2020

## **CERTIFICATE OF SERVICE**

Lynn Smith, of full age, hereby certifies as follows:

1. I am one of the parties in the above matter and on February 7, 2020, I caused:

a) This motion requesting permission to file the attached:

**Motion Requesting Permission to File An Overlength  
Supplemental Petition for Rehearing and to Attach  
Additional Exhibits to the Supplement**

to my Petition for Rehearing En Banc, and

b) this Certification of Service to be served through ECF FILER.

I hereby certify that the foregoing statements made by me are true. I am aware that should any of the foregoing be willfully false, I am subject to punishment.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Smith". The signature is written in a cursive, flowing style.

Lynn Smith

DATED: February 7, 2020

App. 2

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

---

No. 19-1962

---

IN RE: LYNN Z. SMITH, Appellant

---

(D.N.J. Civ. No. 3-18-cv-14953)

---

Before: SMITH, Chief Judge, McKEE, AMBRO, CHAGARES, JORDAN,  
HARDIMAN, GREENAWAY, Jr., SHWARTZ, KRAUSE, RESTREPO,  
BIBAS, PORTER, MATEY and PHIPPS, Circuit Judges

**SUR PETITION FOR REHEARING**

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court *en banc*, is denied.

By the Court,

s/ Thomas L. Ambro, Circuit Judge

Dated: February 13, 2020  
Sb/cc: Lynn Z. Smith  
Jason W. Rockwell, Esq.



App. 3

BLD-031

October 31, 2019

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

No. 19-1962

IN RE: LYNN Z. SMITH, Appellant

(D.N.J. Civ. No. 3-18-cv-14953)

Present: AMBRO, GREENAWAY, JR. and BIBAS, Circuit Judges

Submitted:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's letter filed on June 4, 2019, which may be construed as a document in support of this appeal;
- (3) Appellant's response to the Clerk's letter listing this appeal for possible dismissal due to a jurisdictional defect;
- (4) Appellant's motion for leave to appeal in forma pauperis ("IFP"); and
- (5) Appellant's affidavit in support of her IFP motion  
in the above-captioned case.

Respectfully,

Clerk

---

**ORDER**

---

Appellant's motion for leave to proceed in forma pauperis is granted. However, we hereby dismiss this appeal for lack of jurisdiction. Absent exceptions not at issue here, our appellate jurisdiction in the bankruptcy context is limited to reviewing "final" orders of the bankruptcy courts. See 28 U.S.C. § 158(d). We agree with the District Court that the Bankruptcy Court order at issue in this case, which denied Appellant's August 8, 2018 "Emergent Motion for State of New Jersey to Show Cause," is not a "final" order.

See, e.g., In re Energy Future Holdings Corp., 904 F.3d 298, 308-09 (3d Cir. 2018).

Nothing in our order here prevents Appellant from filing a new notice of appeal following the Bankruptcy Court's entry of a final order. We take no position on the merits of such an appeal.

By the Court,

s/Thomas L. Ambro, Circuit Judge

Dated: December 17, 2019  
Lmr/cc: Lynn Z. Smith  
Jason W. Rockwell



A True Copy:

*Patricia S. Dodszeit*

Patricia S. Dodszeit, Clerk  
Certified Order Issued in Lieu of Mandate