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SUPREME COURT, U.S.

Parent Federal Case A: CV-17-79-BU-JCL-BMM United States Montana District: Butte

U.S. Magistrate JC Lynch & Article III Judge Bernard M. Morris
And 9th District Court Of Appeal 18-35947 San Francisco

Wednesday April 15, 2020 (Covid) Order List #589 U.S.
ONE COPY 8 1/2 x 11 NOT BOOKLET SIZE.

In re: **RICHARD CHARLES (C.) LUSSY aka R.C. "RICK" LUSSY aka ("RCL")**
Petitioner Pro Se, Decedent Heir, Injured Party, Candidate & Appellant.

**PETITION FOR
EXTRAORDINARY WRIT OF MANDAMUS**

Rules 5.4, 12.4, 14.1(b)(i) & (iii), 20.1, 20.3 & 22.2 Proceedings In So Far Applicable

Application to Honorable John Roberts Chief ("HJRC") Justice Rule 20.1

=====

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ONE QUESTION TO ORDERS-“JUDGMENT”: MANDAMUS PETITION

Joined 19-Respondents clear errors compel Mandamus Ministerial Oath of Office (“MOOF”) Warranty

Assumed Risk violate rule 8(b)(6) etc. *Twombly* is unlawful (MCA§28-2-701) heavy burdened RCL appeals.¹

Order-#1-Question: Of Hon. John Roberts Chief (“HJRC”) Justice: **(i)** ministerial mandamus act is “clear legal duty” with no discretion (MCA§27-26-102) for his time, treasure & talent as sworn Law Enforcement Officer to-perform: **(ii)** MOOF Warranty Assumption of Risk as-public-charge against Joined 19-Respondents (79%-Lawyers), least suitable or competent employ: untrained in jury trial/moot court/mock trials with *juris doctor* diploma & no doctor experience **(iii)** order leave to amend complaint co-signed by competent lawyer: satisfy 2-judges for 100% JTV-DP-R_[FN#2 & #16].

Support of Order-a): Of HJRC Justice **(i)** Subject Matter Jurisdiction: Federal Questions UCC § 2-313 Sworn Oath & Citizen Diversity; **(ii)** no DP-18-31 Intestate Probate; **(iii)** these 19-joined-respondents (79%-lawyers) with a *destroyed*: “*Revocable Living Trust-To-Be-Her-Last Will & Testament*” bait & switch to catch-kill to erase the faces of: Blessed DHL/HFL c/o son RCL: “(*when your mother died her Living Trust died*)” **(iv)** Joined 19-Respondents manipulated & falsified public records self-pay to commit civil torts & crimes with no written evidence: no power of attorney, no appointed estate administrator or guardianship is actual fraud: “*Full Release of Recipients...*” Exhibit A-8306; **(v)** & \$1,050 9th DCA sanction JWD Pro Se from RCL Pro Se; **(vi)** explain **64-exceptional circumstances** warranting exercise of Court’s discretionary powers & no discrimination mandamus. **(vii)** Adequate relief cannot be obtained due to gov’t lawyer juditis-vexatious reoccurring manifest abuses require (MCA§25-4-601) entry for live testimony-rebuttal & 2nd opinion fact-to-law 100% jury trial verdict: (Rule 38(a) & 48);² **(viii)** for actual fraud (MCA§28-2-405) on court as officers of court; **(ix)** accessories participate, aid & abet others (MCA§25-7-103) issue of fact-to-law juror verdict. **(x)** Allow **44-inconsistent claims for relief** & **(xi)** **26-falsehoods: April 6, '18** for *leave to amend complaint* Respondents not understand English speaking/reading Civil Rules of Procedure 8(a); 60(b)(3); 15(a)(2); 8(b)(6); 8(d)(3)-&-8(c)(1) is no-competence & credibility. **(xii)** Green (\$89,828.56) court default: extrinsic fraud (MCA §25-4-103/601).

Support of Order-b): Of HJRC **(i)** As justice requires decedent-heir petition property distribution a tort action-deep pocket not pre-empt “Notice of ‘Lien’/Not Due” (MCA§71-3-532/§71-3-103) no consummated “lien” is bait-&-switch (MCA§28-2-701) in sibling Case “B: I-&-II” filing next. **(ii)** juror criminal RICO verdict referral pursuant Dryer Act, privacy invasion of Mother, theft of jewelry-&-rings/lock box/car: coerce-isolate-abandonment incommunicado during the day duress (French: *abus de faiblesse* for aka) abuse of weakness for her 94.75 years **(iii)** & secret surveillance warrant sabotage of RCL in 9-elections.

Support Order- c): Of HJRC Justice requires: **(i)** joined 19-Respondents (79%-Lawyers) apply Amendment VII Law Suits’ Jury Trial₍₁₇₉₁₎; **(ii)** with Montana Declared Right Art. II § 26 in 100% Jury Trial₍₁₈₈₉₎ verdict_[FN#2 & #17] **(iii)** & Title of Nobility Amendment aka Missing 13th Amendment₍₁₈₁₉₎.

¹ “This parent: Case A” Butte Mont. U.S. District CV-17-79-BU-BMM-JCL-BMM; 9th District Court of Appeals 18-35937 after U.S. Certiorari 19-8630 deny 1st jury verdict *Twombly* is unlawful tort-civil precedent & 2nd jury opinion functional literacy.

² A 100% jury trial verdict due process redress: 2-judges (State-&-Federal), 2-juror oaths (group & person) 4-cameras. RCL write jury questions, instructions & verdict form. No more lawyer mollycoddling & mentoring f/lawyer judge@bench.

LIST OF ALL PARTIES JOINED RULE 14.1(b)(i) KNOWN TO PROCEEDING: RULE 12.3

(Rule 12.4 All Joined Different Parties in ***Bold Italics*** directly related Rule 14.1(b)(3))

Parent Case A: R.C. "Rick" Lussy ("RICK") **Petitioner/Appellant Pro Se**

VERSUS **(Federal Court: CV-17-79-BU-JCL-BBM / 9TH DCA 18-35937)**

Henry Paumie Lussy, Launa Lynn Roque, Jenahlee Murie Bornff; Merna Green Assessors Office Montana Department of Revenue; Tim Fox Montana Attorney General; Wade J. Dahood, Jeffrey Wade Dahood Individually, Knight & Dahood Law Firm; *Jeremiah C. Lynch U.S. Magistrate and Jeremiah C. Lynch Individually; Brian M. Morris Article III U.S. Judge, Tyler Gilman, Clerk of U.S. District Court; Judge Murguia, Judge Christen, Judge Bade & Molly C. Dwyer Clerk of Ninth District Court of Appeal*; Andre Burke Director Over Office Of President American Bar Association/Non-Government-Organization; John Mudd Executive Director: Montana Bar Association/Non-Government-Organization; Ben Krakowka Deer Lodge County Attorney. **Respondents' Part Pro Se**

AND Rule 12.4 All Joined: Different Parties in ***Bold Italics*** directly related Rule 14.1(b)(3))

Sibling Case B³ Part 1: Richard Charles Lussy, ("RICK") **Petitioner/Appellant Pro Se**

VERSUS **Montana State Court DV-18-37/Mont. Supreme Court (Direct Appeal): DA-19-057**

Wade J. Dahood, Jeffrey Wade Dahood, Individually, Knight & Dahood Law Firm, Henry Paumie Lussy, Launa Lynn Roque, Jenahlee Murie Bornff; Merna Green Assessors Office Montana Department of Revenue; Tim Fox Montana Attorney General, *Kurt Krueger Montana District Court Judge, Deer Lodge County Court Clerk Susie Krueger and Kurt Krueger with Susie Krueger individually; Montana State Justice: Chief Mike McGrath; Justice Dirk Sandefur; Justice Ingrid Gustafson; Justice James A. Rice*; Andre Burke Director Over Office Of President American Bar Association Trade Union A Non-Government-Organization; John Mudd Executive Director: Montana Bar Association Trade Union/Non-Government-Organization; Ben Krakowka Deer Lodge County Attorney. **Respondents' Part Pro Se**

AND Rule 12.4 All Joined Different Parties in ***Bold Italics*** directly related Rule 14.1(b)(3))

Sibling Case B^[FN#3] Part 2: Richard Charles Lussy, ("RICK") **Petitioner/Appellant Pro Se**

VERSUS **Montana State Court DV-18-38/MT Supreme Court (Direct Appeal): DA-19-058**

Henry Paumie Lussy, Launa Lynn Roque, Jenahlee Murie Bornff, Merna Green Assessors Office Montana Department of Revenue; Tim Fox Montana Attorney General; Wade J. Dahood, Jeffrey Wade Dahood Individually, Knight & Dahood Law Firm; *Kurt Krueger Montana District Court Judge; Deer Lodge County Court Clerk Susie Krueger and Kurt Krueger with Susie Krueger individually; Montana State Justice: Chief Mike McGrath; Justice Dirk Sandefur; Justice Ingrid Gustafson; Justice James A. Rice*; Andre Burke Director Over Office Of President American Bar Association Trade Union A Non-Government-Organization; John Mudd Executive Director: Montana Bar Association Trade Union/ Non-Government-Organization; Ben Krakowka Deer Lodge County Attorney. **Respondents' Part Pro Se**

³ Wade J. Dahood Pro Se refuses to counterclaim to waste finite court budget. Plan before 4/6/18 not counterclaim Case "A" CV-17-79-BU use Case "B"(I-II): Notice of Lien Not Due MCA 71-3-532/71-3-103 in MT power to lever same as CV-78-67-BU.

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PARTIES-&TERMS-IN-ACRONYM: LEGEND

*ABA aka American Bar Association⁴ a (i) non-government organization's (ii) discrimination policy

⁴ American Bar Association (ABA), (August 21, 1878) voluntary bar association with 194,000 dues-paying members (2017) constitute 14.4% of U.S. attorneys compared to half of all lawyers (1979). HQ in Chicago, Illinois & large office:

is an **(iii)** erroneous standard for monopoly-service-government, **(iv)** act in bad faith **(v)** with 100-percent market share of all monopoly American government in all levels of society; **(vi)** governance mandate to re-sell free public law; **(vii)** make gov't contract(s) with ABA aka Affiliated Business Arrangement **(viii)** to discriminate **(ix)** by exclusive use monopoly government emoluments employment. **(x)** Government lawyer judge contracts from ABA to ABA to discriminate is in bad faith. **(xi)** ABA continues control of monopoly governance with sub-subcontracts with Sicilian-Mafia **(xii)** that sub-sub-subcontracts to *Int'l Green Machine* of London/Luxemburg **(xiii)** for misappropriation, to manipulate & falsify public records anytime/anywhere for use in precedent/*stare decisis*/one-judge made case studies (3rd party) "law" (1st parties).

*** BLESSED SAINTED PARENTS:** Mother Dorothy Helen & Father Henry Francis Lussy **(i)** sovereign to 2nd Class Citizen RCL pro Se; **(ii)** become subject matter jurisdiction from: separate, independent to intestate probate DP 18-31 as admitted into evidence with 26-falsehoods of Jeffrey Wade Dahood Joined-Respondent's apostasy live argument April 4, 2018 in CV-17-79-BU-JCL-BMM; **(iii)** to retention of case record destroyed to reopen for fraud: CV-78-67-BU⁶₇⁸ **(iv)** to spent-out-of-court RCL Pro Se & his Blessed parents DHL & HFL by Pro Se lawyers that call themselves paid-advocates as paid to be advocate-yet posers-actors to make work. **(v)** Again, instant CV-17-79-BU same 2-parties: RCL Plaintiff v Wade J. Dahood Pro Se Defendant. **(vi)** ABA-ABA discriminate for a living, require their Oath⁹ to supersede & pre-empt US & Montana Constitution, **(vii)** their one rule that there are no rules

Washington, D.C. Mission statement is national representative of legal profession, serving public & promoting justice, professional excellence, & respect for law. Lawyers were recently ranked among least trusted of all vocations. Source: www.Forbes.com Mark A Coen Aug 1, 2018. ABA power is in proposing state & federal laws, reforming court system, accrediting law schools, & evaluating individuals nominated by president for federal judges. Source: ABA Web page; www.encyclopedia.com & Internet June 9, 2021. And ABA represents about a third of the country's 1.2 million lawyers. But it is more than a trade association. It also has some governmental power, which makes its latest foray into political correctness of more than passing interest. States give the ABA power to accredit law schools, which must teach the association's Model Rules of Professional Conduct. The ABA also lobbies state courts to adopt these rules, which become real law governing how and whether lawyers can practice is "power" responsible for making USA Society better. The standard is that all should aspire." The ABA adopted a rule to regulate lawyers' speech *ABA Overrules the 1st Amendment*. Wall Street Journal 8/17/2016, A-9, by Ron Rotunda. (emphasis)

§ Emolument n. (15th century) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. Black's Law Dictionary 10th Edition. (2014) page-638. [RCL Pro Se adds public charge as subsistence tie to gov't].

¶ CV 78-67-BU caption Henry F. Lussy & **Richard C. Lussy** vs. Francis R. Bennett; **Knight, Dahood, Mackay & Mclean**, partnership composed **Wade J. Dahood**, Conde F. MacKay & David J. McLean; & David J. Mclean individual Defendants. (Blt 60-Apartments-voided \$500,0000+/-promissory notes).

¶ CV 78-67-BU case record destroyed: See letter from US Clerk, Feb. 18, 2015. Exhibit A-8978 in Appendix.

¶ CV 78-67-BU case record shall be reopened by civil rule 8(c)(1)/9(b)w/no case records, yet monopoly gov't lawyer imperial Magistrate/judges/justices deny selves to subordinate authority to Rules of Civil Procedure. Quote Rick Lussy, Clerk Coleen Hanley Chief Deputy Operations 4/10/18 reopen case free opposes *Res Judicata* Exhibit A-8538 with envelope.

¶ Oath of Lawyer enterprise trade union/non-government organization oath to discriminate. Men & women took an oath when they joined the Montana-Bar Association sibling of Parent American Bar Association. They raised their right hand and they pledged allegiance to the trade union. More specifically, they pledged their allegiance to their fellow trade union brothers and sisters. For these men, it was trade union first, client second & country laws last if same laws were not

applies: gov't lawyer magistrates/judges/justices with 100% control over American society, at all levels. **(viii)** ABA use no law, no rule: *Twombly* case study to stop 100% JTV-DP-R with 4-cameras as neither, law nor, rule of civil procedure: yet 43-years & no 100% JTV-DP-R w/4-cameras **(ix)** is \$1,228,413 [FN#42] tax pay salary commit civil-tort/crimes: juror verdict referral for public prosecution.

* **BALCCB** aka bar association lawyer cartel cabal behemoth with 100% market share, no competition, no consumer freedom of choice, by express omissions, 100% concealment with insider trading of lawyers run USA Society: 50-states/5-populated territories mistook ABA inadequate training no jury trial/moot court/mock trials *juris doctor* & no doctor experience.

* **Bait & Switch** Joint 19-Respondents' scheme to take lawyer fees/property & erase faces Mom-Dad-RCL with absolutely no evidence of ownership. RCL separately filed in Anaconda-Deer Lodge County Mother's intestate probate DP-18-31 demonstrate actual fraud that JWD Pro Se admitted: 4/6/2018.

* **Corrupt Persuaders**¹⁰ ultimate harm to consumers by ABA-ABA discrimination policy in gov't.

* **Discriminate** harm to consumers by denying 100% JTV-DP-R with 4-cameras RCL 43-yrs.

* **Extortion** harm consumers by officers of court manipulation & falsification public records.

* **Forty-Three Years** harm to consumers between CV-78-67-BU & CV-17-79-BU: Butte Mont. Division. The actual fraud reopening CV-78-67-BU with destroyed case record.

* **HFL & DHL** Blessed Dad Henry Francis Lussy ("HFL") & Mom Dorothy Helen Lussy ("DHL").

* **GOV'TOCIDE**¹¹ all self-administered, self-pardoning by & for: TITLED LAWYERS pre-empt all law.

* **HJRC** anti-mafia Justice aka Hon. John Robert Chief Justice oath/MOOF Rule 5.4 redo in Map Room.

* **HTSABBT aka Hunted-Targeted-Stalked-Attacked-Bullied-Badgered-Tormented** Plaintiff RCL Pro

blocked & stopped first from ever being applied. Source Re: R.C. Rick Lussy.

¹⁰ **Corrupt persuader** defined "an intent to . . . impede fact-finding ability of an official proceeding." In convicting Andersen, a federal jury in Houston blamed an Andersen lawyer for persuading others to destroy documents related to investigation of Enron Corp. U.S. v. Arthur Andersen, LLP, No. H-02-121 (S.D. Tex. May 13, 2002), Trial Transcript 1663-1665. Too Big To Jail "How Prosecutors Compromise Corporations" by Brandon L. Garrett 2012 page 41.

¹¹ **Gov'tocide** evolved from genocide, homicide now gov'tocide is defined: (1) deliberate & lasting prevarication by use of precedent/*stare decisis*/judge made "case study" (3rd party hearsay) incorrectly called "case law" (1st parties in caption). (2) Underlying pre-condition is to take ministerial oath of office warranty, assumption of risk ("MOOF"), to become a public charge (obligated at 100-percent government expense) for public employment compensation with benefits; (3) only to refuse to implement MOOF by self-administration & self-pardoning giving exclusive benefit to peer group by oath against America, to discriminate in government by delay, block, stop, vacate, vitiate, void, ignore, self-authored jurisdictional exception rule as sovereign to petitioned existing law with: express omissions, 100-percent concealment, insider trading paid on both ends & mollycoddling in middle by judge, to preserve & protect lawyered special interest: non-government-organization ("NGO") &/or trade union: 100% market share, no competition & no consumer freedom of choice.

Se: 24/7 surveillance electronic & physical comings & goings. Accessory-shills against RCL are insured with credit default swaps as 3rd party contacts insured to benefit ABA-ABA as dead peasant-insureds.

* **Insider Trading is for Misappropriation**¹² by triple dipping on taxpayer including RCL Pro Se.

* **ITV-DP-R** aka 100-percent jury trial verdict due process redress^[FN#2 & FN#17] with four cameras is **(a)** mandated by MOOF Warranty assumption of risk **(b)** aka Pledge of Allegiance & **(c)** synonymous with **substantive due process** protection of certain fundamental rights from government interference, which prohibit federal & state governments, respectively, from depriving any person of "life, liberty, or property, includes candidate in elections without due process of law". Substantive due process demarcates the line between the acts that courts hold to be subject to government regulation or legislation & the acts that courts place beyond the reach of governmental interference. Whether 5th or 14th Amendments were intended to serve that function continues to be a matter of scholarly as well as judicial discussion & dissent.

* **Justinhoard** (justice hoarded) Lawyers deny clear competitive neutrality policy f/juries.

* **MAI** aka **Member Appraisal Institute** RCL cannot discriminate. AI & ABA both non-gov't organizations ("NGO"), yet ABA discriminates for a living supersede/pre-empt Rule 5.4.

* **MOOF** aka ministerial oath of office Warranty Assumption of Risk as public charges: gov't tax paid.

* **NGO** aka non-government-organization a trade union: Mont. Bar Assn & Appraisal Institute.

* **RICHARD CHARLES (C.) LUSSY** aka **R.C. "RICK" LUSSY ("RCL")** Petitioner Pro Se, Decedent Heir, Injured Party, US Citizen: 1988-92-96-00-04-08-12-16-20 candidate & to be 2024-Candidate in USA.

* **Respondents Primary:** (part Pro Se): Henry Paumie Lussy ("HPL"); (w/2-daughters) Launa Lynn Roque ("LLR"), Jenahlee Murie Bornff ("LMB"); Wade J. Dahood Pro Se ("WJD"), KNIGHT & DAHOOD Law Office Pro Se joined 4/6/18 by (son) Jeffrey Wade Dahood Pro Se ("JWD") et.al, Merna Green ("GREEN") employed in Assessors Office (no-one elected) Montana Department of Revenue.

* **Respondent participants aid & abet-equally culpable**¹³ **even though not to have personally committed deeds principals are accountable**: Tim Fox ("FOX"); Montana Attorney General; Jeremiah C. Lynch U.S. Magistrate ("LYNCH"); Brian M. Morris ("MORRIS") U.S. Judge, Tyler Gilman ("GILMAN"), Clerk of U.S. District Court; Judge Murguia ("MURGUIA"), Judge Christen ("CHRISTEN"), Judge Bade ("BADE") & Molly C. Dwyer ("DWYER") Clerk of Ninth District Court of Appeal; Andre Burke ("BURKE") Director Over Office Of President American Bar Association Trade

¹² Insider Trading is to misappropriation ©2021 pending. Nonfungible Token or NFT American Bar Association ("ABA") ENTITLED LAWYERS are paid on both ends. First two lawyers (plaintiff & defendant) with the middle: paid referee-lawyer-judge public predicate to MOOF Warranty Assumption of Risk; contracted not to commit gov'ticide.

¹³ Culpable by 18 U.S.C.A. § 2311 et seq. Dyer Act, HPL took Mothers car to Moses Lake WA out of Mont. that 19-respondents participated to aid & abet-equally culpable principals-not having done the deed(s) themselves.

Union/Non-Government-Organization; John Mudd ("MUDD") Executive Director: Mont. Bar Assn Trade Union/Non-Gov't-Organization; Ben Krakowka ("KRAKOWKA") Deer Lodge County Attorney.

* **Shilling Business** aka undercover anti-American public relations: Inter'l Green Machine/mafia.

* **SSA** aka sabotage surveillance agents as shills¹⁴ aka IRS independent contractor 1099's used to bribe 100-percent contacts (business-social-telephonic-electronic business) to RCL Pro Se after 24/7 comings & goings contacts' all to guarantee 100% failure for the rest of his life. WHEREBY organized crime blossoms to further launder free money to purchase businesses, FF&E, real estate to continue pizzo from: **(i)** American-Collier County monopoly government administered crime witness coordinator, a Collier County employee with felons (over \$300 damage value) **(ii)** coming out of Collier County Jail going to Justin's Place-homeless shelter/drug rehabilitation center. Cash-crime-take-total: **(iii)** SSW money with gov't court administration, **(iii)** County Witness coordination office; **(iv)** Sheriff Hunter/Rambosk supervision; **(v)** State Attorney 2-managers, **(vi)** add private invested-issued: credit-default-swaps ("CDS") to "speculate-a-guaranteed failure" RCL Pro Se for the rest of his life with pre-paid "insurance" to guarantee RCL Pro Se now age 70-after 1988-92-96-00-04-08-12-16-20 failed elections. **(vii)** Definition: **SSA** are unregistered lobbyists hired IRS 1099 "independent contractor" to HTSABBT RCL Pro Se sabotaged with lowly shills, **(viii)** sponsored with CDS insurance contracts for "knife-in-back" of RCL **(ix)** ultimate beneficiary is ABA job security preserving precedent to void rules civil procedure to apply: statutes & US/Mont. Constitution's 100% JTV-DP-R_[FN#2]. **(x)** And to permanently erase faces of Mom-Dad-&-son-RCL Pro Se, **(xi)** pay \$1,228,413 commit civil-tort/crimes for juror referral public prosecution.

* **SSW** aka secret surveillance warrants: gov't lawyer judge ordered non-lawyer IRS W-2 County employee: *witness coordinator* as a go between to benefit TITLED LAWYERS to protect preserve corrupt Sheriff 100% control 24/7 surveillance-phone taps, electronic computer word/number changes, file deletions with RCL physical comings and goings. To protect least suitable or competent citizens in control of gov't & keep: gov't lawyer judge jobs-pensions for life: go to daily work late, leave daily work early, take ½ to all Friday off & all religious+-non-holidays off with full public gov't pay.

o sams@bestselfusa.com updated version of Doing Well by Doing Good Executive Coaching¹⁵ Coaching Curriculum <http://doingwell21.blogspot.com> Sam of team Sam & Bunny Sewell exclusive MENSA (high IQ 2% of general population) Society; shall provide you exclusive referral software program of/with peer a MENSA member to improve Court Administration from a CEO/CFO software program Naples Business Company Owner. This is a RCL Pro Se referral to correct corrupt Federal/state (Montana & Florida) court administration.

¹⁴ Shill n. one who acts as a decoy, as for a cheater, vb. New Merriam-Webster Dictionary 1989. Page 667

¹⁵ Team Sam & Bunny (born on Easter): sams@bestselfusa.com updated version of Doing Well by Doing Good Executive Coaching Curriculum <http://doingwell21.blogspot.com> Sam of team Sam & Bunny Sewell exclusive MENSA (high IQ 2% of general population) Society; shall provide you exclusive referral software program of/with peer a MENSA member to improve Court Administration from a CEO/CFO software program Naples Business Company Owner. This is a RCL Pro Se referral to correct corrupt Federal/state (Montana & Florida) court administration.

* **TITLED LAWYERS:** Missing 13th Amendment^[1819] aka Titles of Nobility Amendment [FN#23 & #24].

SOLICITOR GENERAL & U.S. AMENDMENT(1819) A NON-PRECEDENT

Rule 29.4(b) requires this office be served when exceptional appellate jurisdiction (Rule 20.1) constitutionality of a congressional act is unlawful pursuant "Montana Code Annotated ("MCA") § 28-2-701"^[16] an issue of fact be tried in juror verdict "MCA § 25-7-103"^[17] pursuant Subject Matter Jurisdiction: Diversity of Citizenship: MCA 28-2-701 is unlawful behavior of courts in States of Montana & Florida with Illinois ABA Headquarters. This Subject Matter Jurisdiction include as enlarged at end of "EC" Exceptional Circumstances section:

First, Federal Question American Bar Association ("ABA") to stop dues paying 24/7 HTSABBT sabotage against RCL Pro Se denial of competitive neutrality doing ultimate harm to consumers by (a) not adequately teaching 100-percent JTV-DP-R^[FN#2 & #17] & (b) policy: "*no tickie no laundry*"^[18] to spend non-lawyers out of court with make work, doing useless worthless & unnecessary legal work: contributing to RCL Pro Se's loss of residence: 2565 Magnolia Blvd. West aka 4527 West Raye Street, Seattle WA, 98199^[19] to the presiding Marriage Dissolution Superior Court Judge Horton Smith: the replacement owner.

^[16] MCA 28-2-701, What Is Unlawful. That is not lawful which is: (1) contrary to an express provision of law; (2) contrary to policy of express law, though not expressly prohibited; or (3) otherwise contrary to good morals.

^[17] MCA 25-7-103 When Issues of Fact are to be decided by jury. All questions of fact, where the trial is by jury, other than those mentioned in 25-7-102 are to be decided by the jury, and all evidence there on is to be addressed to them, except when otherwise provided by this code.

^[18] Unsafe At Any Other Word book: *No tickie No laundry*" quote of presiding Superior Court Judge Horton Smith in *Rick Lussy's marriage dissolution once the judge heard the address his eyes perked up*: 2565 Magnolia Blvd. W aka 4527 W. Raye St, Seattle WA, 98199, (five level "Craig Puget" 5,400 sf) water views of Puget Sound f/9-rooms, with 60-foot bridge over a year-round running stream. *Former Superior Ct Judge Horton Smith now owns my old house with 5-titles on personal checks*. His former inferior condominium residence was in inferior West Seattle. Now in a stand alone single family residence.

^[19] Seattle King County Superior Court elective system works as Smith was voted out after "*no tickie no laundry*" hit Seattle Times about a little person-nobody: oriental-from Seattle International District: misdemeanor defendant acted pro se & lost.

Second: Federal Question: Uniform Commercial Code ("UCC") § 2-313²⁰ U.S. Supreme Court Rule 5.4 "Oath"/Ministerial Oath of Office ("MOOF") Warranty Assumption of Risk/Pledge of Allegiance to support US Constitution to include: 100-percent JTV-DP-R_[FN#2 & #17] is not adequately taught by American Bar Association ("ABA") Harvard & Yale pending verification. All 9-US Supreme court justices graduated from these 2-law schools. And all verified boast of 3-year law school: *juris doctor* diploma's cannot/will not certify doctor experience what-so-ever is actual fraud MCA28-2-405(3) & (5) [FN#44].

Third Federal Question such US Magistrate Lynch/U.S. Judge Morris are Joined 19-Respondents for mis-appropriated & unconstitutional **precedent inclusive use**: to "exclude rules of civil procedure." Precedent as hearsay: *Bell Atlantic Corp. v. Twombly* 550 U.S. 544 127 S. Ct. 1955) with no live fact witness testimony to rebut. A point any first-year law school student should understand, is not-admissible third party evidence (Federal Judge Reggie expert testimonial witness). This issue was already settled in Civil War (1861 to 1865). The ultimate consumer harm is wasted tax monies by imprudent, self-administered-aggrandizement. Now CV-17-79-BU-JCL-BBM/9TH DCA 18-35937 non-government organization ("NGO") ABA "Gov't" lawyer judges don't have the right to change conditions of that treaty expecting United States of America to be sucker & loser tax-paying citizens²¹ to triple

²⁰ Federal Question (First) is American Bar Association force employment termination for forcing one paid to commit crime: Uniform Commercial Code: ("UCC") § 2-313 (1) Express Warranties by the seller are created as follows: (a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise. (b) ... (c)

²¹ The 45th President of the United States: Trump Americans Who Dies in War Are 'Losers' & 'Suckers.' The president has repeatedly disparaged the intelligence of service members, and asked that wounded veterans be kept out of military parades, multiple sources said. When President Donald (John) Trump canceled a visit to the Aisne-Marne American Cemetery near Paris in 2018. He blamed rain for the last-minute decision, saying that "the helicopter couldn't fly and that the Secret Service wouldn't drive him there. Neither claim was true. Trump rejected the idea of the visit because he feared his hair would become disheveled in the rain, and because he did not believe it important to honor American war dead... according to four people with firsthand knowledge of the discussion that day. In a conversation with senior staff members on the morning of the scheduled visit, Trump said, "Why should I go to the cemetery? It's filled with losers." In a

dip pay²² for fantastical-fraud-functional illiterate not admit/deny language: pleadings. WHEREBY government Lawyer employees order-to-mislead: RCL Pro Se, John Q. Public & Alice Average Citizen as perpetual suckers & losers.^[FN#20] blinded by ABA cartel^[23]^[24] sole 3-year law school criteria decider graduates with a *juris doctor* diploma offering no doctor experience what-so-ever. Again, monopoly gov't lawyer "authorities" smirk as least suitable or competent citizens; untrained for monopoly governance only to guarantee incompetence to delay-block & stop, to die & leach in monopoly government employ.

- Include ABA accredited 3-year law school criteria with no jury trial/moot court or-mock trials;
- Include *juris doctor* diploma & no doctor experience requirements: what-so-ever.
- Include self-administer, self-pardon, no-personal-accountability: pre-empt/supersede law.

The end result is to further compound manipulation & falsification of public records contribute unsuccessful 9-County Property Appraiser Elections: 1988-92-96-00-04-08-12-16-20 to 99-elections.

Twombly is a case "study" (third parties) as case "law" (first party primary source). *Twombly* is no rule, no law & of no persuasion with no similar facts & no similar issues, not in proximity to the instant case, that warrants direct comparison with no objective grid analysis requiring contact verification name, phone number & e-mail address to allow impeachment. TWOMBLY is not black-letter-law. TWOMBLY^[FN#34] is not substantive, not procedural, not a rule & not "law" is unlawful MCA

separate conversation on the same trip, Trump referred to the more than 1,800 marines who lost their lives at Belleau Wood as "suckers' for getting killed." *The Atlantic* by Jeffrey Goldberg September 3, 2020.

²² Lawyer triple dipping (1) stand alone appointee/elected emolument (job security); (2) public paid salaries; (3) now judgments pay their personal negligence/incompetence/malice untrained by ABA not act to further public duty.

²³ The University of Chicago law professor Todd Henderson ...blunt assessment: "*The American Bar Association operates state-approved cartel*" *Atlantic*, "Gilded future of top 10 percent-& end of opportunity for everyone else" 6/2018 page 56.

²⁴ "Law schools have all but abandoned education of trial lawyers, & truth is that you'll graduate knowing very little more about art than you do now... What you have to do is go to work for someone who's in court every day. Do that even if you have to pay him for education. Cut classes if you have to, but go to court." F. Lee Bailey, Defense Never Rests, (1971) P17.

§28-2-701[FN#16] per tort/civil legal positivism.²⁵ Criminal law "without a doubt" *Twombly* is dismissed in this instant case for no 100-percent live fact witness testimony showing similar work product of issues & similar fact evidence suitable for qualitative grid analysis by direct comparison with live fact witness testimony name & phone number(s) for verification by sworn conference call rebuttal, notary at caller's office. Case "studies" (3rd party testimony) vs. case "law" (1st party fact live testimony). Not done, all favor RCL Pro Se appellant. This is a bad boast citation-comparison for Joined 19- Respondents.

WHEREAS, equal opportunity under existing law in this civil-tort/fraud on the court by lawyer officers of the court/decedent heir, Injured party/Candidate as Appellant seek only one 100% JTV-DP-R as Curtis Flowers v Mississippi²⁶ murder case, precedent was granted six jury trials by this court.

²⁵ Contrasting role of case law in common law, civil law, & mixed systems Different roles of case law in civil law & common law traditions create differences in way that courts render decisions (RCL Pro Se opposite Criminal Law). Common law courts generally explain in detail the legal rationale behind their decisions, with citations of both legislation & previous relevant judgments, and often an exegesis of the wider legal principles. These are called *ratio decidendi* and constitute a precedent binding on other courts; further analyses not strictly necessary to the determination of current case are called *obiter dicta*, which have persuasive authority but are not technically binding. By contrast, decisions in civil law jurisdictions are generally very short, referring only to statutes, not very analytical, & fact-based. (Footnote #23.) Brian A. Blum, Contracts, 4th ed. (New York: Wolters Kluwer, 2007), 37. Reason for this difference is that these **civil law jurisdictions apply legislative positivism** – a form of **legal positivism** – which holds that legislation is the only valid source of law because it has been voted on democratically; thus, it is **not the judiciary's role** to create law, but rather to interpret and **apply statute**, & therefore their decisions must reflect that. ... This result is legislative positivist view that court is only interpreting legislature's intent & therefore detailed exposition is unnecessary. Wikipedia Free Dictionary p14 of 30. Conclusion: Statutes are fact based. Precedent is hearsay with no first party fact live witness testimony. Tort/civil legal positivism not create unlawful precedent as does: *Twombly*(MCA 28-2-701). (**emphasis**)

²⁶ This petition is for just one tort/civil JTV-DP-R whereas, US Sup. Ct allowed 6-separate murder-criminal jury trials: Curtis Flowers v Mississippi 476 U.S. Sup. Ct 79 (2018). Result gov't lawyer prosecutor gave up-unfit

6 Same Mississippi Prosecutor abandoned as an unfit lawyer. Instant subject non-precedent²⁷²⁸

Fourth Federal Question Missing 13th Amendment aka (1819) Titles of Nobility Amendment
("TONA").²⁹³⁰ On page iii ¶1 via Rule 29.4(a) complies with Rule 14.1(b)(3) when United States or

²⁷Analogy: Bad Precedent follows non-market practices, is not legislative/existing law. America's double standard not to rely on functional literacy cannot be countenanced. Both US Supreme Court & lower court precedent must demonstrate similar facts & issues & do not thereby: 100% disqualify: *Bell Atlantic Corp. v. Twombly* 550 U.S. 544 127 S. Ct. 1955 as incorrect bold & brazen use by U.S. Magistrate J.C. Lynch & agreed by U.S. Judge Brian Morris to not "comply" with written U.S. constitution & MOOF Warranty assumption of risk by 100% discrimination legislation work around. ABA policy is to discriminate, requires civil/tort precedent to litigate is to waste tax monies. Criminal law not civil law require precedent/*stare decisis*/judge made case studies (3rd party) "law" (1st party fact witness phone, e-mail to rebut/impeach. Lawyers intent to pre-empt/supersede Rule-of-Law-constitution law & no Rules Civ.P. allow 100% JTV-DP-R & 4-cameras.

²⁸Precedent maxim of English Barristers/Solicitors: no written (US) constitution. Jonathan Swift in passage: Gulliver's Travels (1726) satirize British law, "whatever has been done before, may legally be done again; & therefore they take special care to record all decisions made against common justice, & general reason of mankind." Book: The Rule of Lawyers "How New Litigation Elite Threatens America' Rule of Law" Walter K. Olson Litigators on Horseback (2003), P-293.

²⁹Titles Of Nobility And Honor In the winter of 1983, archival research expert David Dodge, and former Baltimore police investigator Tom Dunn, were searching for evidence of government corruption in public records stored in the Belfast Library on the coast of Maine.

By chance, they discovered the library's oldest authentic copy of the Constitution of the United States (printed in 1825). Both men were stunned to see this document included a 13th Amendment that no longer appears on current copies of the Constitution. Moreover, after studying the Amendment's language and historical context, they realized the principle intent of this "missing" 13th Amendment was to prohibit the entitled from serving in government. So began a seven-year, nationwide search for the truth surrounding the most bizarre Constitutional puzzle in American history -- the unlawful removal of a ratified Amendment from the Constitution of the United States. Since 1983, Dodge and Dunn have uncovered additional copies of the Constitution with the "missing" 13th Amendment printed in at least eighteen separate publications by ten different states and territories over four decades from 1822 to 1860. In June of this year (1991), Dodge uncovered evidence that this missing 13th Amendment had indeed been lawfully ratified by the state of Virginia and was therefore an authentic Amendment to the American Constitution. If the evidence is correct and no logical errors have been made, a 13th Amendment restricting lawyers from serving in government was ratified in 1819 and removed from US Constitution during tumult of Civil War. Since Amendment was never lawfully repealed, it is still Law today. Implications are enormous.

Petitioner Pro Se "Rick" Lussy (RCL) a 70-year old US Citizen active 43-years since CV-78-67-BU, document intimate monopoly government lawyers' freedom (read as total lack of restraint) versus liberty, which is the ability to choose behavior under the law as long as that behavior doesn't deprive anyone else of their liberty use of free public law in free public courthouse(s). See "no tickie no laundry" also "no tea no talk, no money no honey" aka no pay lawyer fee no get free law enforcement. RCL's remedy is government without discrimination, as the American Bar Association ("ABA")-lawyers use government to discriminate. RCL Pro Se is a member of Appraisal Institute ("MAI") & Senior Residential Appraiser ("SRA") that cannot discriminate. The Appraisal Institute ("AI") is an international institution, the ABA is not. Both ABA & AI are non-government-organizations ("NGO") & trade unions: however. Again, the ABA discriminates for a living see Footnote #8. The AI cannot. Any government whose independent judiciary discriminates acts independent of existing law, herein. Our USA judicial NGO is illegal/unconstitutional as it is continued from old England's legislation with no written Constitution. Perfect fit is described in the (1816) Titles of Nobility Amendment aka Missing 13th Amendment. The existing 13th Amendment only stopped slavery.

These careful words make up a mixed word salad that is called gov't sponsored discrimination aka social justice.

Story of this "missing" 13th Amendment is complex & at times confusing as the political issues and vocabulary of the American Revolution were different from our own. However, there are essentially two issues: What does the Amendment mean? and, Was the Amendment ratified? Before we consider the issue of ratification, we should first understand the Amendment's meaning and consequent current relevance.

federal office agency officer(s) are joined as a party is at issue on page iii: Order #1 Question (i-to-iii) with Support of Orders-a-b-c page ii. This mandamus petition enforces exceptional appellate jurisdiction Rule 20.1, reinforced to enforce Rules of Civil Procedure noted by U.S. Justice Stephen Breyer³¹³²³³ to throw out precedent *Twombly*³⁴ as rules of civil procedure must be enforced.

WHEREBY HJRC the anti-mafia Justice's time, talent & treasure to enforce rules of civil procedure: **"order with leave to amend complaint co-sign by any competent lawyer to satisfy 2-judges for 100% JTV-DP-R in Nov. 2022 before 2024 election."** The existing 13th Amendment(1865)

³⁰ Text: "Missing" 13th Amendment aka Titles of Nobility Amendment to Constitution of U.S. follows:

"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour (see "Historical Context, see, "Honor", see "What If" & please see "Arguments"), or shall without the consent of Congress, accept & retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

At first reading, meaning of this 13th Amendment (also called "title of nobility" Amendment) seems obscure, unimportant. References to "nobility", "honour", "emperor", "king", & "prince" lead us to dismiss this amendment as a petty post-revolution act of spite directed against British monarchy. But in US modern world of Lady Di & Prince Charles, anti-royalist sentiments seem so archaic & quaint, that Amendment can be ignored.

Not so. First, "titles of nobility" were prohibited in both Article VI of Articles of Confederation (1777) & Article I, § 9 & 10 of Constitution of the United States (1787); Second, although already prohibited by the Constitution, an additional "title of nobility" amendment was proposed in 1789, again in 1810, & according to Dodge, finally ratified in 1819. Clearly, the founding fathers saw such a serious threat in "titles of nobility" & "honors" that anyone receiving them would forfeit their citizenship. Gov'tocide^[FN#10] particularizes no MOOF Warranty assumption of risk oversight with 100% JTV-DP-R^[FN#2] petition in "A & B" cases]. Since government prohibited "titles of nobility" several times over four decades, and went through the amending process (even though "titles of nobility" were already prohibited by the Constitution), it's obvious that the Amendment carried much more significance for our founding fathers than is readily apparent today to remedy gov't lawyer judge/min-King George III's capricious authority: issue continuing in precedent with no written constitution.

³¹ "...if it violates some rule of civil procedure other than that, it will be thrown out." Quote by U.S. Justice of Supreme Court Steven Breyer. Lines 13-15, page 10, October 2, 2017; Epic Systems Corp v. Jacob Lewis, No. 16-285, Ernst & Young LLP. Et al., v Stephen Morris, No. 16-300 and National Labor Relations Board v. Murphy Oil USA, Inc., et al. No. 16-307, Supreme Court of U. S., www.hrcourtreporters.com. (emphasis)

³² "Justice Breyer rejects 'court-packing' call." Soon to retire: Breyer described as institutionalist & pragmatist, self-characterize: optimist. *USA Today* Thursday 8A April 9, 2021. He pragmatically never experienced 43-years of non-lawyer/RCL Pro Se petition: gov't lawyer judge policy: refuse enforce existing law remedy. Discrimination-&-bias against juror trials not taught in 3-year law school *juris doctor* diploma with no doctor experience.

³³ "Breyer 'basically optimistic' about US." Spoke of his more than 25-years on court...*finding common ground...what we learned in fifth grade, that people work together,' they'll get it.*" Naples Daily News 2B, 5/30/21.

³⁴ *Bell Atlantic Corp. v. Twombly* 550 U.S. 544 127 S. Ct. 1955, 167 L. Ed. 2d 929, 75 U.S.L.W. 4337, 2007-1 Trade Cases ¶ 75,709, 68 Fed.R.Serv.3d 661, 07 Cal. Daily Op. Serv. 5550, 2007, the control authority by US Magistrate Lynch.

simply bans slavery in these United States ideally with no return of slaves to their former slave status.

CORPORATE DISCLOSURE STATEMENT

Rule 29.6 Respondents destroyed *"Revocable Living Trust-As-Last-Will-&-Testament"* April 6, 2018; Judge Lynch/Morris & October 30, 2018 Missoula Clerk Gilman's Judgment In A Civil Case Decision by Court & no jury verdict. Non-public, family: Butte Georgetown Mining Inc. is civil-tort & criminal referral issue in 100% JTV-DP.R_[FN#2] for public prosecution of fraud, incitement, entrapment & RICO after bait & switch for catch & kill to erase the faces of blessed Mom DHL, Dad HFL & son RCL.

OPINIONS BELOW

1-page Jan. 11, 2021 *Writ of Certiorari* Chief Justice took no part...in this petition.

6-page 2/24/21, Respondent Clerk of Court Civil Progress Docket: CV-17-79-BMM-JCL.

8-page 4/16/18 Doc. 60 RCL Pro Se: *Not Good Behavior of JC Lynch U.S. Magistrate ... Affidavit*

51-page 5/15/18, Doc. 65, *RCL 11 Exceptions JC Lynch Findings & Recommendations Affidavit*.

15-page Filed 5/2/18, Document 63, faulty "Findings & Recommendation" by Pro Se Lynch.

Compound judgitis(5/2/18) Magistrate Lynch *Findings & Recommendation* (doc. 63): MAGISTRATE LYNCH: "Because Plaintiff (RCL) has not shown that a default judgment against Green is warranted, & fails to state a claim against any of the remaining Defendants, Plaintiff's motion for a default judgment (doc. 35) should be denied, and Defendants' motions to dismiss (docs. 12, 18 & 45) should be granted."

○ Bias of U.S. Magistrate Lynch: "Plaintiff filed his Complaint in this case on Oct. 23, 2017 Nov. 8, 2017, following an apparent family dispute over the administration of his mother's assets under a revocable living trust (Doc.1) (Doc. 8) (2)... (3)...(4) (**6-falsehoods**) Wade J. Dahood³⁵ Esq. attorney who "handled" probate Plaintiff mother's estate in state court."

○ Fact Doc. 8, 82-page complaint: 2nd juror verdict to counter 1st Lynch orders bias to ABA Required anti-American discrimination policy favor member lawyers/Dahood's fee churn delay block & stop justice another 43-years re: CV 78-67-BU³⁶ gov't lawyer judge(s) policy compound damages.

³⁵ Pro Se Defendant Jeffrey Wade Dahood: (6-*falsehoods) *(1) It all stems around an Estate which was *(2)handled in Third Judicial District Court of Deer Lodge County in front of *(3) Hon. Ray J. Dayton in which my *(4) father handled Estate of *(5) parties' parents, & *(6) specifically their mother. Your Honor (4/6/18 pge4 L19-23 transcript CV-17-79-BU-BMM-JCL.

³⁶ Another 43-years after CV 78-67-BU fraud on court by lawyer-officers of the court sponsored by gov't lawyer judges refusing personal accountability in a competitively neutral: 100% JTV-DP-R with four cameras would have occurred already before the induced failure of 9-Florida elections 1988-92-96-00-04-08-12-16-00 with gov't lawyer-judge manipulated & falsified public records. The method used in this instance is "non-public": prevarications are excused with:

- Bait & switch FROM: no estate settlement TO: scheme to obtain money or property by deceptive means sour grapes of Wade J. Dahood Defendant Pro Se: CV-78-67-BU paid \$120,000 to Henry Francis Lussy & Richard Charles Lussy TO: again catch-kill to erase the faces of Blessed Dorothy Helen Lussy, Henry Francis Lussy, Richard Charles Lussy by paying contrarian Henry Paumie Lussy to commit this crime mixed with civil torts for jury verdict referral public prosecution denied 100% to date as salaried gov't employees are too busy getting paid to do work petitioned to do. Remedy is Sam Sewell referral MENSA member. See jury issues, exceptional circumstances & inconsistent claims.

6-pages Filed 10/29/18, Doc. 66, *Order Adopting Findings & Recommend'ed* by GM Morris.

1-page Filed 10/30/18; Document 67, Judgment In A Civil Case, Respondent Clerk Gilman.

5-page Docketed 11/1/18 Respondent Clerk Civil Docket 9th DCA 18-35937 term 3/6/20.

6-pge 4/1/19, Document 16, RCL Emergency Motion To Sanction Jeffrey Wade Dahood Esq

"Circuit Rule 27(a) before April 11, 2019 for Representing Merna Green Assessors Office Mont. Dept. of Revenue Modify Answering (sic) Brief Action & To Certify \$1,050 Attorney-In-Fact Fee Due by Movant After Three Fraud Violations." Cert. of US Mailing 4/1/19.

1-pge Filed 6/23/2020 Respondent MCDwyer Clerk ORDER US 9th DCA San Francisco CA.

2-page Filed 3/3/2020 Resp. MCDwyer Clerk MANDATE US 9TH DCA San Francisco, CA.

○ *Memorandum* (no precedent or oral argument) excluded complaint (doc. 8, 82-pages) this evidence document proof with Molly C. Dwyer Clerk 9th Circuit Court of Appeal Clerk Progress Docket Index in appendix, continues at issue herein.

3-pg Filed 3/6/2020 Resp. MCDwyer Clerk MEMORANDUM 9TH DCA San Francisco, CA

Rule 14.1(b)(iii) require public records to document RCL Pro Se to Amend Parent Case "A."

OPINION Origin: 1.) Bias gov't lawyer judges manipulate & falsify public record policy:

Mother D.O.D. 11/2/15 to 11/7/15 funeral to 11/9/15 KNIGHT & DAHOOD Law Office meeting:

"When your mother died her Living Trust died with her, (no copy was available) as destroyed: ***"Revocable Living Trust-To-Be-Her-Last Will & Testament."*** In re: Townhouses LTD both RCL with Seattle & Missoula counsel and Wade J. Dahood Pro Se were separate 30% co-investors. In CV-17-79-BU from CV-78-67-BU[**FN#6,#7,#8**] reprisal to impugn: ***Never give (RCL) opportunity to file Amended***

res judicata & statute of limitations. Yet, the U.S Clerk in same Montana District office shall reopen same case for free: re: Fed./Mont. R.Civ.P. 8(c) fraud. Yet gov't lawyer judge Murray gags RCL Pro Se as already spent out of free public court with his father Henry Francis Lussy; lawyers control business & all USA society thru ABA-ABA-NGO with free gov't tax monies: SSW-SSA used to protect themselves by only speaking to lawyers, who are loath to criticism. Pro Se Wade J. Dahood Defendant in CV-78-67-BU fired Butte-Jim Purcell & he went back to Pro Se: settled damages for \$120K. After \$500K+/- voided promissory notes. Dahood Pro Se apparently only had \$120K insurance coverage. Exhibit A-8508 & A-8509 in Appendix. Same Dahood Pro Se requires self-represented-defense in CV-17-79-BU to spend RCL Pro Se out of court again!

Complaint under the (free public law) rules ... unintelligible footnotes." RCL Pro Se remedy is honest 2nd opinion jury verdict.

- CV-17-79-BU Monetary Demand-Claim For Relief \$65 Billion (9-zeros) for compensatory, punitive, costs, fees & RCL attorney pro se fees with justiable fact-to-issue jury verdict[FN#2] total: \$1,111,671 (@ 2015 assessed values: are \$439,453 Estate + \$672,218 Dahoo Pro Se need deep pockets as \$120,000 Wade J. Dahoo Defendant Pro Se paid to settle CV-78-67-BU on \$500,000+/- void interest bearing: promissory notes still outstanding. Typical commercial & extraordinary residential appraisal E & O insurance is for negligence & does not cover syndication/limited partnerships. No insurance rider is apparent for WJD Pro Se.

- Civil-tort Jury verdict referral for public prosecution: criminal/RICO prosecution for invasion-of-privacy, removal (theft for return for benefit of other grand-girls) the personality of Mom. Dad-jewelry-gifts-&-rocks with modest wedding ring & Tiffany of Naples gifts-RCL etc. et al. Ownership of homestead: Indenture-agreement: no deed, not in bold print to serve Mom's life estate by allowing Henry Paumie to assist & live in basement during mothers frail last years: not-in-perpetuity. It is 1-inconsistent claim rule of civil procedure allow amending complaint.

MANDAMUS EXCEPTIONAL CIRCUMSTANCES' FOR APPELLATE REVIEW

Deputy Clerk Ms. Lisa Nesbitt (202-479-3038) stated there is no submission deadline after *Writ of Certiorari* (appendix) dated: Jan. 11, 2021 denial #20-5028/20-5029/19-8630 & May 15, 2021 for corrected resubmission Case "A" (& "B Parts I & II" late delay) June 2021 after Feb. 18, 2021 remote sabotage with daily deletions of Mandamus. Rule 20.1 include exceptional circumstance(s)!

"[T]he chief Justice took no part in the consideration or decision of this petition."

/s/ Scott S. Harris, Clerk. RCL petition particular to Honored John Roberts Chief ("HJRC") Justice to participate per religious: Oath Rule: 5.4, 12.2 & Mandamus: MCA 27-26-102³⁷

- o RCL Pro Se locked out of 9-Fla. Elections as 2016/20 forums not let him speak: STING.
- o Extra-judicial unregistered lobbyists 24/7 HTSABBT (legend page x) 100% stop life.
- o ABA gov't lawyer judges 100% discriminate never enforce non-lawyer petition law.

Applied before Hon. John Robert Chief³⁸³⁹ ("HJRC") anti-mafia Justice petition your treasure of time & talent Oath Rule 5.4: non-discretionary-ministerial-MOOF warranty assumption of risk (in comity with Florida Statute §768.28 (9)(a))⁴⁰ Waiver of Sovereign Immunity Tort Actions) for Joined 19-

³⁷ Montana State Supreme Court Order OP 19-0573 Case "B-parts I & II" near identical to Montana Federal Case "A" Montana Code Annotated ("MCA") 27-26-102. (Mandamus) When & whom issued. (1) Writ of mandamus may be issued by the supreme court or district court or any judge of district court to any lower tribunal, corporation, board, or person to compel performance of an act that law specially enjoins as a duty resulting from an office, trust, or station or to **compel admission of a party to use & enjoyment of a right or office to which party is entitled** and from which the party is unlawfully precluded by the lower tribunal, corporation, board, or person. (2) Writ must be issued in all cases which there is no plain, speedy, & adequate remedy in ordinary law.

³⁸ Application to Chief John Roberts Justice not participate: Writ of Certiorari #19-8630/#20-5028/#20-5029.

³⁹ "It is Emphatically the Province & Duty of the Judiciary Branch to Say What the Law Is, Not What It Should Be" Part III pp146-164. Ideas & Consequences (2015) "Federalist Society & Conservative Counterrevolution" Amanda Hollis-Brusky.

⁴⁰ Waiver Sovereign Immunity Fla. Statute 768.28 (9)(a) No officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant..., unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. (emphasis) [copasetic with following footnote].

individuals⁴¹ bad-faith accountability & to hold gov't 100-percent harmless by juror deciders. These 43-years of fraud-by-sting to extort (CV-17-79-BU from CV-78-67-BU^[FN#6-to#8]) with \$1,228,413/year⁴² +benefits without staff expenses paid to discriminate NOT to protect & serve by ABA-BALCCB-NGO gov't lawyer judge-employees.

Exceptional Circumstances Rule 20.1 for Mandamus is essential for appellate review of Amended Complaint document 8 a second amendment as no precedent/*stare decisis*/judge made case study is made for civil-tort law^[FN#25]. *Twombly* precedent cannot pre-empt or supersede RCL Pro Se plead rules of civil procedure to apply Montana Code Annotated ("MCA") to U.S. Constitution Bill of Rights. Public-charges⁴³ per Rule 5.4^[FN#72] Oath/MOOF warranty assumption of risk/Pledge of Allegiance: page x make U.S. Supreme Court Case: *Twombly* moot as this is the primary focus of U.S. Magistrate JC Lynch. Judges/police are public, the public are the Police/judges. There's women and men alike. "Brothers & sisters, uncles aunties, just regular people but with a uniform to help & protect," not discriminate as required since ABA as organized August 17, 1878.^[FN#4] "WE THE PEOPLE" registered voter taxpayer ("RVT") pay public servant salaries & are prospective jurors hold selves financially harmless for gov't judicial negligence-&-will not compound actual fraud⁴⁴ inside free

⁴¹ 28 § USC 2674 et seq. Personal gov't employees culpable are allowed by gov't to pay own court costs/jury-judgment. i.e. "Ex-VW CEO, Other Executives To Pay Firm In Emissions Suits...\$351 million to settle lawsuits for use of illegal (MCA § 28-2-701) software." Decades long emissions fraud 6-years after U.S. authority disclosure." WSJ B2, Thursday, 6/6/21.

⁴² Three 9th Circuit Court Judges (Murguia, Christen, & Bade) San Francisco CA: \$@ \$223,700+ = \$671,100; Clerk 9th DCA Molly C. Dwyer \$97,417+; U.S. Magistrate Jeremiah C. Lynch (now retired) \$191,000+; Article III U.S. District Court Judge Brian M. Morris \$210,900+; & Clerk of Court Mont. Division Tyler P. Gilman paid average \$58,313+ total salaries: \$1,228,413 to get to this appeal to this point in time.

⁴³ USCIS defines "public charge ... at government expense." See 64 FR 28689 (5/26/1999). ... No single factor, other than lack of affidavit of support, ... is a public charge. Internet 5/10/19.

⁴⁴ MCA §28-2-405(3) actual fraud the suppression of that which is true by one having knowledge or belief of the fact &

public courtrooms. Judicial review power by Public Official Standing Doctrine⁴⁵ was first articulated in *Marbury v. Madison*, 5 U.S. 137 (1803) & tailored for RCL Pro Se legal multiple claims: *Webster v. Doe*.⁴⁶ Joined 19-Respondents include U.S. Magistrate Lynch & Article III U.S. Judge Morris, 9th DCA Appellate Judges & two U.S. Clerks. As wisdom to restrain judicial power is to impose restraints on themselves: not cogs in a-bureaucratic-machine. It is a network of complicity that cannot vacate U.S. Supreme Court Rule 5.4 Oath^[FN#72]/MOOF Warranty Assumption of Risk & Pledge of Allegiance by each Joined-Respondent to include employee-public charges^[FN#43]. Thus expose *judgitis*⁴⁷ bulldozing brass knuckled bias of U.S. Magistrate JC Lynch which this Mandamus Writ holds to account.

This is RCL Pro Se's last resort as lower U.S. district courts have no jurisdiction of a suit seeking mandamus against United States. *United States v. Jones* 131 U.S. 1 (1889); *Minnesota v. United States*, 305 U.S. 382 (1939); *McCune v. United States*, 374 F. Supp. 946 (S.D.N.Y. 1974). 28 U.S.C. § 1361, giving United States district court remanded jurisdiction of "an action in nature of mandamus" to compel officer⁴⁸ or employee of U.S. or any agency thereof to perform a duty owed Pro-Se-Plaintiff-Petitioner-RCL to compel enforcement of existing-specific statute-codified law(s) thru Rules of Civil Procedure

MCA §28-2-405(5) any other act fitted to deceive.

⁴⁵ Power of Judicial Review: Public Official Standing Doctrine & Its Vital Role in Preserving Our Constitutional Separation of Powers, Florida Bar Journal, March/April 2021 pages 9-17.

⁴⁶ Superb CIA Agent Barookner's legal claims against own CIA's internal regulations: "arbitrary, capricious & an abuse of discretion, unlawful under Fifth Amendment & the Administrative Procedure Act" by her employer CIA of jealous co-workers bad-mouthing her: fired her. Favorably settled on day of it was to be heard in court pp 52 & 53: no case reference as settled out of court. Later & consistent: *Webster v. Doe*, 486 U.S. 592 (1988). "CIA, As exempted & Partially Exempted Agency" Piercing the Veil of Secrecy Litigation against U.S. Intelligence, by Janine M. Brookner (2003) 166 pages.

⁴⁷ Judgitis (1956) An emotional disequilibrium that results when a judge confuses the trappings of judicial office with his or her own personal grandeur; the self important condescension to which certain emotionally insecure judges are susceptible. See *Judicial Diva*(2) Black's Law Dictionary 10th Edition (2014) page 970.

⁴⁸ Mag. Jeremia C. Lynch in separate concur agreement signed by U S Art. III Judge Bernard M Morris.

(Legal Argument) for an order to amend this complaint: 100-percent JTV-DP-R_[FN#2] with 4-cameras for jury verdict before November 15 2022 election: 2024 election cycle. Committee report enactment make clear legislation does not create new liabilities or new causes of action against United States. See S. Rep. No., 1992. 87th Cong., 2d Sess. 2; H. Rep. No. 536, 87th Cong. 2nd Sess.1.

[www.justice.gov/jm/civil-resource-manual-215-mandamus.](http://www.justice.gov/jm/civil-resource-manual-215-mandamus)

Mandamus extraordinary remedy exceptional circumstance is peculiar emergency of public importance given impacting 9-Florida Property Appraiser Elections. RCL Pro Se has no remaining recourse for 100% JTV-DP-R remedy pre-11/15/2022. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *US v. McGarr*, 461 F. 2d 1 (7th Cir. 1972). Mandamus may "appropriately issue to confine an inferior court to lawful exercise of prescribed jurisdiction" or when there is "usurpation of judicial power" now as in Federal Case "A," with State Case "B" Part I & II near identical Mandamus. JWD/WJD in Knight & Dahood Law Firm Pro Se could have counterclaimed Case A. Instead Wade J. Dahood Pro Se Defendant filed Case "B Part I & II" in Montana State District Court to obtain 100% cooperative-corrupt-two: \$74,000 judgments. Case B independent filing is soon: hereafter: *Schlagenhauf v. Holder*, 379 US 104 (1964).

APPELLATE REVIEW OF EXCEPTIONAL FACTS:

AUTHORITY FOR AMENDING THIS PARENT CASE "A" COMPLAINT

Over three years ago only one trial court hearing occurred: April 6, 2018 in this Parent Case "A". It was competently court reported. Yet, the essential courtroom sound recorder switch was turned off. The (now retired) torpid-toxic-treachery of Magistrate Jeremia C. Lynch's no-good behavior⁴⁹ cannot be-

⁴⁹ U.S. Constitution Article "III § 1. "The judicial Power of the United States, shall be vested in one supreme Court, & in such inferior Courts as Congress may from time to time ordain & establish. *The Judges, both of the supreme & inferior Courts, shall hold their Offices during good Behaviour*, & shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office. (*Emphasis*)

heard. It is to be re-enacted with live-fact-witnesses: for juror-decided-verdict fact-to-law MCA § 25-7-103[FN#16] as Magistrate Lynch was not "competitively neutral." His pre-disposed: policy fiat: ABA-BALCCB-NGO is to discriminate. His "public servant" moniker is pure-widow-dressing. Lynch's behavior broadcast: "ultimate-permanent-consumer-harm." ABA-Lawyer policy 43-year history[FN#4] of: 100% market share, no competition, no consumer freedom of choice, express omissions, 100% concealment, insider trading to discriminate, come from this grain of history: Plaintiff Pro Se American War for Independence (1775-1783) versus Defendant Pro Se Old England's King & Westminster Parliament.

PRO SE DAHOOD LAW 100% OTHERS LIABILITY IS JOINT & SEVERAL

JUDGE RAY J. DAYTON Anaconda, Montana State District Court: "...I have been hearing about this dispute between the Dahood's (CV 78-67-BU[FN#6,#7]) & the Lussy's since I had short pants." Trial transcript consolidated June 6, 2018, Status Conference Case "B Parts I & II" Page 6, Lines 11-13 as sibling to parent Case "A" Jeffrey Wade Dahood process server for parent Case "A"CV-17-79-BU.

AND

JUDGE RAY J. DAYTON "...I know from my own personal recollection that the, Dahood's & the Lussy's have been fighting with each other over the same subject matter or similar subject matter or related subject matter since prior to the time I was a Law Clerk for (presiding over 10b-5 securities fraud case CV-78-67-BU) U.S. Judge Murray & I would've been like 25-years old or 26 years old or something like that. And I was Judge Murray's Law Clerk ..." Ibid page 6-7, Lines 14-25 & 1-13.

RESULT: Deer Lodge County Dist. Judge Ray Dayton requested recusal & to inquire about Silver Bow County Judge Krueger to take this case as in proximity. So RCL Pro Se agreed.

Cause for Relief: Separate intestate probate DP 18-31 is this 2nd amended complaint Joined 19- Respondents' Case "A:" CV-17-79-BU Federal Questions & Diversity of Citizenship all fraud multiple issues & facts totally irrelevant to Twombly precedent/*stare decisis*/judge "case study."

TIME LINE: Mother Dorothy Helen Lussy ("DHL") (D.O.D. 11/2/15) Father Henry Francis

Lussy ("HFL") (D.O.D. 1988); Roman Catholic funeral/burial (11/7/15) in late morning (11/9/15) Law Office surprise unscheduled meeting with Wade J. Dahood ("WJD"). A classic *bait & switch* for *catch-to-kill sting* with public record manipulation & falsification to erase the faces of DHL/HFL in care of RCL Pro Se to benefit Joined 19-Respondents that pay themselves to commit civil tort & jury verdict referral crime(s) with \$1,228,413_[FN#46] government salaries. The jury verdict referral for public criminal prosecution scheme provides a bonus: \$439,453 (doc. 9 p24 of 62) monies plus real & personal property, cars lock box jewelry earned & multiple gifts: Dad, RCL from Tiffany's of Naples & Grandfather Charles a Jeweler⁵⁰ gifted Mother "rocks" & jewelry: 100%: missing in Vancouver, WA.

Actual Fraud: 26-Falsehoods: April 6, 2018 Hearing: 100% JTV-DP-R_[FN2&17]

Prevarication ("lying") facts continue unrelentingly from Jeffrey Wade Dahood one of 15-(79%) lawyers add 4-non-lawyers to total Joined 19-Respondents of joint & severable liability as demonstrated "A-to-Z" from one: April 6, 2018: "trial" hearing fact: excerpted below.

[A] JEFFREY WADE DAHOOD RESPONDENT PRO SE: "...It all stems around an Estate which was handled in the Third Judicial District Court of Deer Lodge County in front of the Honorable Ray J. Dayton in which my father handled the Estate of the parties' parents, and specifically their mother. Your Honor—"
Source: April 6, 2018. Document 61 Missoula transcript: page 4, Lines 19-23.

[B] MAGISTRATE LYNCH PRO SE: "...So this Estate, I take it, went through probate? *Ibid* P9 L 19.
JEFFREY WADE DAHOOD PRO SE: "Correct Your Honor. *Ibid* P9 L 20.
MAGISTRATE LYNCH PRO SE: "There was a written will or was there not?
JEFFREY WADE DAHOOD PRO SE: "Yes there was, Your Honor. *Ibid* P9 Lines 19-23.

[C] MAGISTRATE LYNCH PRO SE: "There was a written will or was there not?" *Ibid* P9 Lines 21-22.
JEFFREY WADE DAHOOD PRO SE: "Yes there was, Your Honor. *Ibid* P9 L 23.

[D] MAGISTRATE LYNCH PRO SE: "...Well, first of all, was there opposition in the probate court by Mr. Richard Lussy?" *Ibid* P9-10-11 Lines 25 & 1-2.

⁵⁰ Grandfather Charles Lussy as Jeweler gifted Mother "rocks/jewelry" on Butte arrival from Cincinnati OH.

JEFFREY WADE DAHOOD PRO SE: "No, your Honor." *Ibid P10-11 Line 2.*

[E] MAGISTRATE LYNCH PRO SE: "So that went through the state court process." *Ibid P10 L 3 & 4.*
JEFFREY WADE DAHOOD PRO SE: "Correct." *Ibid P10 Line 5.*

[F] MAGISTRATE LYNCH PRO SE: "Mr. Richard Lussy, or for that matter any of the other heirs, had an opportunity to dispute the validity of the will." *Ibid Page 10, Lines 6-8.*

JEFFREY WADE DAHOOD PRO SE: "Yes, they did, Your Honor." *Ibid P10 Line 9.*

MAGISTRATE LYNCH PRO SE: "Correct." *Ibid Page 10, Line 10.*

JEFFREY WADE DAHOOD PRO SE: "Correct, Your Honor." *Ibid P10 Line 11.*

[G] MAG. LYNCH PRO SE: "Is there any dispute about validity of the will in state court?" *P10 L12-13.*
JEFFREY WADE DAHOOD PRO SE: "No, Your Honor." *Ibid P10 Line 14.*

[H] MAG. LYNCH PRO SE: "So this action springs from...Mr. Lussy's ...disgruntlement, ...how the mother's assets were distributed. Is that fair to say?" *Page 10 Lines 12-13.*

J. WADE DAHOOD PRO SE: "That is fair to say as our understanding, Your Honor." *P10 L 22-23.*

[I] MAG. LYNCH PRO SE: "So there has been a judgment--- ...But the probate court went through and entered its judgment—I think that's an accurate statement—in terms of the disbursement of the Estate assets, correct?" *Ibid Page 10 & 11 Lines 24-25 & 1-4.*

J. WADE DAHOOD PRO SE: "that's correct, Judge. The judge issued an order allowing the disbursement and allowing the closing of the Estate." *Ibid P11 Lines 5-7.*

[J] MAG. LYNCH PRO SE: "From that judgment there was no appeal?" *Ibid Page 11 Line 8.*

J. WADE DAHOOD PRO SE: "No." *Ibid Page 11 Line 9.*

MAGISTRATE LYNCH PRO SE: "So go ahead and continue. Thank you. That gives me the appropriate background." *Ibid Page 11 Lines 10-11.*

JEFFREY WADE DAHOOD PRO SE: "Thank you very much, your Honor. And, Your Honor, you actually closed out my argument ...that was the points I was going to make in my closing..." *P11L12-14.*

[K] JEFFREY WADE DAHOOD PRO SE: "...rest of the Complaint & the rest of filing Mr. Lussy seem to go towards a criminal action that he believes has been cause in this case. Again, he doesn't have standing to bring those... if he did have an issue with the way the Estate was handled, he could have appealed that. He could have brought in some kind of a complaint in state court or to contest will & he did not do that. He did not appeal that decision & that decision has been finalized." *P 11-12 L21-25 & 1-6.*

COMMENT APPELLATE REVIEW: a jury verdict referral for public criminal RICO jurisdiction.

[L] MAG. LYNCH PRO SE: "Did your—did defendant Wade Dahoo, was he involved in the probate proceedings?" *Ibid Page 12 Lines 7-8.*

J. WADE DAHOOD PRO SE: "he was the attorney for the estate. Your Honor, yes." *P12 L 9-10.*

[M] MAG LYNCH PRO SE: "And did Mr. Richard Lussy at appear in probate proceedings? *P12 L11-12.*

J. WADE DAHOOD PRO SE: "I don't believe he appeared in it at all. He did come to our office and

there was some documents signed, but that was all, Your Honor.” *Ibid P12 L 13-15.*

MAG LYNCH PRO SE: "Never filed any kind of formal objection or any other type of appearance in the probate proceedings before Judge Dayton?" *Ibid P12 L16-18.*

J. WADE DAHOOD PRO SE: "No, Your Honor." *Ibid* P12 Line 19.

MAG LYNCH PRO SE: "Let me ask you this. Mr. Lussy is obviously appearing pro se here. I have to construe his pleadings liberally." *Ibid* P12 J.20-22.

J. WADE DAHOOD PRO SE: "Correct, Your Honor." Ibid P12 Line 23.

[N] MAG. LYNCH PRO SE: "the essence of your argument to me is, again, very succinct and it's under *Bell versus Twombly* which we are all familiar with. And basically saying he fails to, as the term used in the *Twombly* case, get the ball across the goals line." Ibid P12-13 Line 24-25 & 1-3

I. WADE DAHOOD PRO SE: "Correct Your Honor" Ibid P12 L13 L14 Ibid P13 Line 4

[O] MAG. LYNCH PRO SE: "Should I give him another opportunity, Mr. Richard Lussy, to either file an Amended Complaint or provide a more detailed statement under the rules?" ibid Page 13 Lines 5-7.

I. WADE DAHOOD PRO SE: "Your Honor, my fear of that is that it's going to be similar. All of his fillings to this point have been incoherent. They ramble on." Ibid Page 13 L 8-10.

[P] MAGISTRATE LYNCH PRO SE: *"Can you tell me when the judgment in the probate proceedings was entered?"* *Ibid Page 13 Lines 19-20.*

J.W.D. PRO SE: "Well, I would have to look. Your Honor, I believe it was in 2000." P13 L 21-22.

[Q] RICHARD C. LUSSY PRO SE: "Good morning, Your Honor. Ibid Page 14 Line 6

MAGISTRATE LYNCH PRO SE: "Good Morning" Ibid Page 14 Line 7

RICHARD C. LUSSY PRO SE: "Pleased to meet you, put a face to the name." Ibid Page 14 L 8-9

MAGISTRATE LYNCH PRO SE: I used to meet you, put a face to the name. Ibid Page 14 Line 10

RICHARD C. LUSSY PRO SE: Likewise. Ibid Page 14 Line 10.
RICHARD C. LUSSY PRO SE: "I'm flabbergasted. I didn't know there was a Judge Dayton rule. I was never noted sic (noticed) for the probate. I've never appeared in the probate proceeding. Had no knowledge. It's totally—total lack of particularity or specificity for which opposing counsel, Mr. Jeffrey Dahood has alluded that I'm responsible for. He, on the other hand, provided nothing, so this is all total surprise." Ibid Page 14 Lines 11-17.

[R] MAG. LYNCH PRO SE: "Let me interrupt you for a moment, okay? And we're all going to stay very calm here today. These family matters can get kind of testy, but—Page 14 Lines 18-20.

RICHARD C. LUSSY PRO SE: *"Absolutely, Your Honor."* Ibid Page 14 L 21.

RECORDED. Absolutely, Your Honor. 18d Page 14 E 21.
MAGISTRATE LYNCH PRO SE: "—that's why I'm here neutral and detached, as they say. If in fact there was not sufficient notice provided regarding the probate proceedings in district court before Judge Dayton, that's a matter that has to be addressed by state district court. And there are procedural vehicles available to challenge that. All right? So what I'm here today to listen to is your response to motions to dismiss. That's first one we're here for. And that's on behalf of Mr. Wade Dahood and the other defendants that I mentioned, Bornff, Lussy, & Roque, in term of whether you have adequately stated a claim against them. I'm going to be straightforward with you, okay? When I read your responses, your briefs, when I read the Complaint, I honestly don't know what your are complaining about. So I'm going

to give you the opportunity today to tell me that Okay?"

Pages 14-15 Lines 22-5 & 1-14.

RICHARD C. LUSSY PRO SE: "Yes, Your Honor."

Ibid Page 15 L 15.

[S] RICHARD C. LUSSY PRO SE: "It was 100-percent unknown to me there was a proceeding in probate before Judge Dayton. I know not the cause number or the probate number. I was never noted (sic) (noticed) as a party of the family, which would be normal and proper to be part of the family, and not receiving notice of a probate proceeding for my mother. And preceding, please, answering your question as far as the adequacy of my complaint against the four defendants, Mr. Jeffrey Dahood noticed that I came to the office and signed a piece of paper. Well, that was on November 9th which followed the Roman Catholic burial mass of my mother on November 17—7, 2015. Ibid Page 16 L 1-12.

MAGISTRATE LYNCH PRO SE: "Let me interrupt you there just for a second so I can make a record, okay?" Ibid Page 16 Lines 13-14.

RICHARD C. LUSSY PRO SE: "Yes, sir." Ibid Page 16 Lines 15.

MAGISTRATE LYNCH PRO SE: "The document you are referring to is Attachment 2 at Document 13, ...entitled *Full Release of Recipients in Connection With the Dorothy Lussy Revocable Living Trust. Correct*" Ibid Page 16 Lines 16-20.

RICHARD C. LUSSY PRO SE: "Yes, Your Honor." Ibid Page 16 Line 21.

MAGISTRATE LYNCH PRO SE: "All right, go ahead." Ibid Page 16 Lines 22.

[T] RICHARD C. LUSSY PRO SE: "So I was unknown to me that there was a probate going. And I further through due diligence called the Anaconda-Deer Lodge County Court to see if there was a probate proceeding following my mother's passing and they said no probate had been filed."

Ibid Page 16-17 Lines 23-25 & 1-2.

MAGISTRATE LYNCH PRO SE: "Did you—again, I have to be kind of cautious here in terms of not getting into the position that I'm acting as a state court here, okay? And so the question I have, though, nonetheless, is that you were aware, I take it, of this Revocable Living Trust of Dorothy Lussy, your mother?" Ibid Page 17 Lines 3-8.

RICHARD C. LUSSY PRO SE: "I asked for a copy of it at the meeting at Wade Dahood's office in front of Henry Paumie Lussy & was denied to give me a copy." P17 L 9-11.

[U] LYNCH PRO SE: "But you did nonetheless sign this agreement?" P17 L12-13.

RICHARD C. LUSSY PRO SE: "I signed a different piece of paper and it was in an affidavit which was submitted as Document 55, consolidated in review of the motions for dismissal for which we're here this morning." Ibid P17 L 14-17.

MAG. LYNCH PRO SE: "Okay." Ibid P17 L18.

RICHARD C. LUSSY PRO SE: "And in that Document No. 55 I've itemized with the honest & sincere intent to answer the question for cause for relief at issue this morning. And I was asking for a 100 percent jury trial verdict for due process redress. And the document for which you are noting—"

Ibid P17 L 19-24.

[V] MAG. LYNCH PRO SE: MAGISTRATE LYNCH PRO SE: "...All I'm asking you is you are not asking for any kind of criminal sanction because you couldn't do that. You agree with that?"

Ibid P18 L10-12

RICK LUSSY PRO SE: "I'm a civil jurisdictional person, Your Honor." P18 L13-14.

MAGISTRATE LYNCH PRO SE: "No, I understand. You are asking for civil relief under RICO, correct?" Ibid P18 L15-16.

LUSSY PRO SE: "Yes, with 100-percent jury trial verdict for independent neutral—" P18 L17-18.

MAGISTRATE LYNCH PRO SE: "I just need a yes or no." Ibid P18 L19.

RICHARD LUSSY PRO SE: "Yes, your honor." Ibid P18 L20.

Explain: jury verdict referral RICO public prosecute: personal property & Lynch etc. et al.

[W] MAG. LYNCH PRO SE: "And you are asking for monetary relief, correct?" P 19 L15-6.

RICHARD LUSSY PRO SE: "Yes, in addition to, under Federal Rule 5.1, certification of the Montana Code Annotated 15-8-111 challenge, in addition to the missing 13th Amendment, which was an 1819 matter." Ibid P19 L17-20.

MAG. LYNCH PRO SE: "I'm not following. Because number one you are telling me you are challenging this state statute on constitutional grounds?" Ibid P 19 L21-23.

RICHARD LUSSY PRO SE: "Per that rule, yes, Your Honor." Ibid P19 L17-20.

MAG. LYNCH PRO SE: "Per what rule?" Ibid P 19 L25.

RICHARD LUSSY PRO SE: "5.1 Rule of Civil Procedure." Ibid P20 L1.

MAG. LYNCH PRO SE: "And you duly notified attorney general of the State of Montana?" P20 L2-3.

RICHARD LUSSY PRO SE: "After I received --." Ibid P20 L4.

MAG. LYNCH PRO SE: "Let's not interrupt one another. We didn't get anywhere, Ok? Fair enough?" Ibid P20 L5-6.

RICHARD LUSSY PRO SE: "Yes, Your Honor." Ibid P20 L7.

MAG. LYNCH PRO SE: "I'll try not to interrupt you. You cannot interrupt me." P20 L8-9.

RICHARD LUSSY PRO SE: "It's a deal." Ibid P20 L10.

MAG. LYNCH PRO SE: "I'm familiar with 5.1." Ibid P21 L2.

RICHARD LUSSY PRO SE: "Which is ancillary contributory matter to the charges under the RICO Act as you have prefaced it Your Honor." Ibid P21 L3-5.

[X] (→TWOMBLY_{IFN#291} IS NO Procedural "RULE"!) MAG. LYNCH PRO SE: "number one, (Federal/Mont.) Rule 5.1 is a procedural rule. It provides no substantive right. And all I need to know under there is if—question I've asked you is, are you challenging a Montana statute?"⁵¹ P21, L6-9.

RICHARD LUSSY PRO SE: "Yes Your Honor." Ibid Page 21, Lines 10.

MAG. LYNCH PRO SE: "As to constitutionality under the missing 13th Amendment?" P21 L11-12.

RICHARD LUSSY PRO SE: "Yes Your Honor." Ibid Page 21, Line 13.

MAG. LYNCH PRO SE: "so 1 and 3 are essentially joined at the hip? Ibid P22 L 4-5.

RICHARD LUSSY PRO SE: "Consubstantial, yes." Ibid Page 22, Line 6.

⁵¹ Challenge unconstitutional i. Montana statute Civil: MCA 15-8-111, ii. make Fla. Criminal Statute 839.13(2)(d) a civil Montana Code Annotated & recommend to US Congress thru Solicitor General: Titles of Nobility Amendment aka Missing 13th Amendment) to include iii. Fla. Civil Statute 728.28(9)(a) Waiver of Sovereign Immunity in Tort Actions an MCA.

LYNCH PRO SE: "Consubstantial. Okay, I'll accept that term Go ahead." *Ibid P22 L 7-8.*

[Y] RICHARD LUSSY PRO SE: "The only point of fact... for which I was not privy, did not know the cause number, and that was under ...Page 12 of Doc. 55." *Ibid P22 L11-16.*

MAG. LYNCH PRO SE: "While Annie is getting that document up, let me ask you...probate proceedings are generally published in a local newspaper?" *Ibid P22 L21-24.*

J. WADE DAHOOD PRO SE: "That's correct, Your Honor. There is a notice to creditors that goes out." *Ibid Page 22 & 23 Lines 25 & 1.*

MAG. LYNCH PRO SE: So was that published in this case?" *Ibid P23 L2.*

J. WADE DAHOOD PRO SE: "Yes, it was, Your Honor. Your Honor, I was in error. I want to correct my testimony before—not my testimony, my argument before the Court. There was a trust, not a will. It was a trust that was probated, Your Honor. So I just wanted to clarify that." *Ibid P23 L3-7.*

MAG. LYNCH PRO SE: "Okay, I appreciate that. All right. So the trust, Mr. Lussy, to your knowledge, was in existence prior to the death of your mother?" *Ibid P23 L8-10.*

RICHARD LUSSY PRO SE: "It was a living will. I believe the terminology was; and for which a copy had been denied me by Henry Paumie Lussy at the meeting in Wade Dahood's office. *P 23 L11-13.*

MAG. LYNCH PRO SE: "So here's what I need to know, okay, sir, just bear with me a moment. Are you telling me that the first time you came to knowledge of this Revocable Living Trust of Dorothy Lussy, your mother, was at this meeting you were referring to?" *Ibid P23 L14-18.*

RICHARD LUSSY PRO SE: "Yes, because it was under the auspices of that authority for which the meeting was held in Mr. Wade Dahood's office, the father of Mr. Jeffrey Dahood." *Ibid P23 L19-21.*

MAG. LYNCH PRO SE: "Understood. All right. Okay, anything else?" *Ibid P23 L22-23.*

RICHARD LUSSY PRO SE: "Yes, If you would be so kind ... I was praying for clarity by providing this Document 55." *Ibid P24 L19-21.*

MAG. LYNCH PRO SE: "Well, what are you – let me be honest with you again. When I read—Document 56 you are referring to, correct?" *Ibid P24 L5-7.*

RICHARD LUSSY PRO SE: "55 was the document. And 56 was requesting in retrospect Mr. Jeffrey Dahood's permission (pre-motion civil rule permission) to allow it to be discussed for this hearing. And the first two voice mails to him I said clearly that if he were to allow, yes or no, this consolidation, consolidated reply for his motion to dismiss. And the third voice mail from Mr. Dahood back to me, he did not say yes or no. He just says he received my call. And it was late at night when I received the message, because there is apparently two hours between Mountain Standard and Eastern Standard time. The reason for bringing that up is that—" *Ibid P24, L8-19.*

MAGISTRATE LYNCH PRO SE: "I'll take judicial notice of that." *Ibid P24, L20.*

MAGISTRATE LYNCH PRO SE: "...RICO I'm going to set aside." *Ibid P25, L7-8.*

[Z] LYNCH PRO SE: "Oh, we wouldn't want to do anything like that. Anything else? *P35, L21-2.*

RICHARD LUSSY PRO SE: "It's the future—yes. It's the essence of the property of the ownership of the (homestead 1818 Tammany St.) *indenture which was an agreement* for Henry (Paumie) to occupy the basement while under fiduciary arrangement to help my mother in her frail last years (life estate). That supposedly was turned into an indenture, bargain and sale deed, which I'm challenge the credibility of that because it was an agreement for him to help during mother's lifetime. It was not a permanent deed or else it would conspicuously specify: 'Warranty Deed.'" *Ibid P35-6 L 23-25 & 1-6.*

CONCLUSION: All 26-letters of alphabet are Respondent's admissions-to-fact favoring RCL Pro Se in this petition to Amend Complaint to impeach WJD, JWD & KNIGHT & DAHOOD LAW FIRM PRO SE before four-cameras[FN#2]. Primary Defendant WJD Pro Se restated later Mother's assets were distributed (again) in Missoula County: not Anaconda-Deer Lodge County-Mont. where Mom lived.

R.C. LUSSY PRO SE: "Yes. I called the (Anaconda) Deer Lodge County Clerk (of Court) Office and asked if a probate was filed and she said no probate was filed. April 6, 2018. Doc. 61 transcript: page 34, Lines 4-6. [The Intestate Probate was timely filed DP 18-31 by RCL Pro Se]

Please reference Anaconda-Deer Lodge County Clerk **Exhibit A-8544** Appendix: 4/17/18.

LEGAL ARGUMENT: ONE-ORDER TO AMEND COMPLAINT

Rule of Civil Procedure Issue: U.S. MAGISTRATE J.C. LYNCH "**Should I give him (RCL Pro Se) another opportunity to either file an Amended Complaint or provide a more detailed statement under rules?** (doc 65 Page 16 of 51; P-13 in transcript L5-7).

Joined Defendant JWD Pro Se continue referring to "**unintelligible footnotes**". Great Falls: Joined Defendant Article III U.S. Judge Morris: concurring order.

Redundant: Order-#1-Question: Of Honorable John Roberts Chief ("HJRC") anti-mafia Justice: **(i) ... (ii) ... (iii) order leave to amend complaint co-signed by competent lawyer: satisfy 2-judges for 100% JTV-DP-R with 4-cameras first jury trial phase process pray for completion by November 15, 2022 before the 2024 election. Rest to follow.**

Only 1-issue is to Amend this parent Case "A" complaint is by use Rules of Civil Procedure:

a.) Original 5-defendants did not answer with 4-lines of text: affirm or deny: Rule 8(b)(6): Federal/Montana Civil Rule of Procedure Effect of Failing to Deny. An allegation-other than one relating to the amount of damages - admitted if a responsive pleading is required & allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

b.) Original 5-defendants did not answer with 4-lines of text: affirm or deny: Rule 60(b)(3):

Federal/Montana Civil Rule of Procedure **60(b)(3)**— Relief From Judgment or Order (b) Mistakes; Inadherence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

c.) Original 5-defendants did not answer with 4-lines of text: affirm or deny: Rule 15 (a)(2):

Federal/Montana Civil Rule of Procedure **15 (a) Amendments Before Trial. (2) Other Amendments** In all other cases, a party may amend its pleading only ...court should freely give leave when justice so requires.

d.) Original 5-defendants did not answer with 4-lines of text: affirm or deny: Rule 8(d)(3):

Federal/Montana Civil Rule of Procedure **8(d)(3)-Pleading to Be Concise and Direct; Alternative Statements; Inconsistency** *Inconsistent Claims or Defenses.* A party may state as many separate claims or defenses as it has, regardless of consistency. RCL Pro Se shall explain **#64-exceptional circumstances** warranting exercise of Court's discretionary powers & no discrimination to allow mandamus.

e.) Original 5-defendants did not answer with 4-lines of text: affirm or deny: Rule 8(c)(1):

Federal/Montana Civil Rule of Procedure **8(c)(1) Affirmative Defenses. In General.** In responding to pleading, party must affirmatively state any avoidance or affirmative defense, include: fraud allowing mandamus.

f.) Joined 19-Respondents in civil-tort jurisdiction requires public criminal jurisdiction jury verdict

referral MCA 25-7-103[FN#16] as paid to commit tort/crimes 6-continuing crimes.⁵²

g.) Support of this Order: Of HJRC anti-mafia Justice's time treasure & skill requires:
g-i.) courts appeal jurisdiction: fraud, incitement & entrapment pay U.S. Magistrate (now retired) JC Lynch etc. et al are gov't paid to commit crimes primarily controlled by ABA for breach of MOOF as-party-defendants-sworn: Ministerial⁵³ Oath⁵⁴,⁵⁵,⁵⁶ of Office⁵⁷ assumption of risk Actual Agency⁵⁸ in Fact.⁵⁹ MOOF is materially comprehensive judge law. "No one is above law."⁶⁰,⁶¹,⁶² No US

⁵² Jury verdict referral MCA 25-7-103[FN#16] for Six public crimes (jurisdiction): (i) Entrebatt, intruder or interloper-inciters, corrupt persuaders, with no documented-evidence for instant-case-authority pay others to commit crimes to make money for them; (ii) manipulate & falsify public records (iii) perfecting the crime for double utility these 43-years: gage RCL Pro Se's self-defense US/Montana Constitutional Rights Illegal-(MCA 28-2-701[FN#15]. (iv) Theft *ad nausea* \$1,228,413[FN#42] public tax monies while conspicuously violating U.S. Supreme Court Rule 5.4/MOOF (ministerial oath of office) Warranty Assumption of Risk & Pledge Allegiance thru the use of; (iv) incitement, (v) willful false oath taking and (vi) suborn others oath for perjury to ruin RCL: 1988-92-96-00-04-08-12-16-2020 elections & Mother's privacy invasion jewelry/wedding ring thefts.

⁵³ Ministerial (16c) involve obedience instead of discretion Black's Law Dictionary, 10th Ed. (2014) Page-1146.

⁵⁴ Oath (bef. 12c) **1.** A solemn declaration, accompanied by a swearing to God or a revered person or thing, that one's statement is true or that one will be bound to a promise. *The person making the oath implicitly invites punishment if the statement is untrue or the promise is broken. The legal effect of an oath is subject the person to penalties for perjury if the testimony is false. **2.** A statement or promise made by such a declaration. **3.** A form of words used for such a declaration. **4.** A formal declaration made solemn without a swearing to God or a revered person or thing: AFFIRMATION Cf PLEDGE (1).

"The word 'oath' (apart from its use to indicate a profane expression has two very different meanings: (1) a solemn appeal to God in attestation of this oath of a statement or, the binding character of such a promise (2) a statement or promise made under sanction of such an appeal." Rollin M. Perkins & Ronald N. Boyce. Criminal Law 515 (3d ed. 1982). Black's Law Dictionary 10th Ed. (2014) p. 1239.

⁵⁵ Mont. Constitution Article III, § 3 Oath Of Office Article II, § 16 ...& judicial officers... upon duties of their offices:"

⁵⁶ Montana Voter Registration Oath (in part) Are you a citizen of the United States?*Yes No ...Applicant Affirmation: *I affirm under penalty of perjury that the information on this application is true, that I am a citizen of the United States, that I will be at least 18 years old on or before the next election, that I will have been a resident of Montana for at least 30 days prior to the next election, and that I am not serving a felony conviction in a penal institution nor have been found to be of unsound mind by a court. I understand that if I have given false information on this application, I may be subject to a fine or imprisonment, or both, under federal &/or state law.*

⁵⁷ Office (13c) **1.** A position of duty, trust; or authority, esp. one conferred by a governmental authority for a public purposes... Black's Law Dictionary 10th Edition (2014) page 1254-1255.

⁵⁸ Actual Agency(1835)agent in fact authorized to act on behalf of principal. Black Law Dictionary 10th Ed. page-67.

⁵⁹ Agency in fact, (1834) Agency created voluntarily by contract ... Black's Law Dict 10th Ed. (2014) page74.

citizen can opt out of US sovereign law as US citizens.

g-ii.) now exclude County Court Blessed, Sainted Parents DP-18-31 Intestate Probate;

g-iii.) these 19-joined-respondents (79%-lawyers) destroyed: *"Revocable Living Trust-To-Be-Her-Last Will & Testament"* that bait & switch to catch-&-kill to erase faces of: DHL/HFL in care of #3-son RCL: *"(when) your mother died her Living Trust died;"*

g-iv.) three of Joined 19-Respondents WJ, JW of KNIGHT & DAHOOD LAW OFFICE PRO SE for HPL, LLR, JMB have/had no written evidence as authority in Parents Estate: no power of attorney, no appointed estate administrator, no guardianship is actual fraud-to-falsely claim: *"Full Release of Recipients..." Exhibit A-8306;*

g-v.) and \$1,050 9th DCA sanction against JWD Respondent Pro Se by RCL Pro Se;

g-vi.) all explain **#56-exceptional circumstances** warrant exercise Court's discretionary powers & no acknowledged ABA policy to discriminate a curative remedy in this Mandamus.

g-vii.) Adequate relief cannot be obtained due to gov't lawyer judgitis-vexatious reoccurring manifest abuses require (MCA§25-4-601)⁶³ entry for live testimony-rebuttal & 2nd opinion fact-to-law

⁶⁰ New sworn Amy Coney Barrett US Justice of Supreme Court: *No one is above the law. [Even these Joined 19-Respondents].*

⁶¹ Montana State Constitution Article II, § 16. STATE SUBJECT TO SUIT The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property. This provision ...arising after July 1, 1973.

⁶² Mont. State Constitution Article II, § 26 (1889) TRIAL BY JURY. Right of trial by jury is secured to all and shall remain inviolate. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous.

⁶³ MCA§25-4-601 Procedure when answer admits part of plaintiff's claim. When the answer of the defendant, Expressly or by not denying, admits a part of the plaintiff's claim to be just, the court, upon the plaintiff's motion, may, in its discretion, order that the action be severed, that a judgment be entered for the plaintiff for the part admitted, and, if the plaintiff elects, that the action be continued with like effect with regard to the subsequent proceedings as if it had been originally brought for the remainder of the claim. The order must prescribe the time and manner of the plaintiff's election.

100% jury trial verdict: (MCA§25-7-103) [FN#17];

g-viii.) for actual fraud(MCA§28-2-405) [FN#44] on court as officers of court;

g-ix.) accessories participate, aid & abet others (MCA§25-7-103) issue of fact-to-law juror verdict. 8(a);

g-x.) Allow **#44**-inconsistent claims for relief permit *leave to amend complaint* Respondents not understand English speaking/reading Federal/Montana Civil Rules of Procedure 8(a); 60(b)(3); 15(a)(2); 8(b)(6); 8(d)(3)-&-8(c)(1) is failure by no admit or deny.

g-xi.) Green (\$89,828.56) court default extrinsic (MCA §25-4-103 & MCA §25-4-601).

Fed/Mont. Civil Rule of Procedure **8(a)** Claim for Relief **(1)** a short & plain statement of grounds; **(2) ibid** showing the pleader is entitled to relief; and **(3)** a demand for the relief sought or different types of relief.

h.) Support of Order-b): Of HJRC anti-mafia Justice's time treasure & skill requires:

h-i.) As justice requires decedent-heir petition property distribution a tort action-deep pocket not pre-empt "Notice of 'Lien'/Not Due" (MCA§71-3-532⁶⁴ /§71-3-103⁶⁵) no consummated "lien" is bait-&-switch (MCA§28-2-701) in sibling Case "B: I-&-II" filing after.

h-ii.) juror criminal RICO verdict referral pursuant Dryer Act, privacy invasion of Mother, theft

If the plaintiff elects to continue the action, the plaintiff's right to costs upon the judgment is the same as if it were taken in an action brought for only that part of the claim. If the plaintiff does not elect to continue the action, costs must be awarded as upon final judgment in any other case.

⁶⁴MCA§71-3-532 Content Of Notice Of Right To Claim Lien **(1)** The notice of the right to claim a lien must be in writing and state that it is a notice of a right to claim a lien against real estate for services or materials furnished in connection with improvement of the real estate. **(2)** The notice must contain a description sufficient to identify the real estate against which the lien may be claimed. ...

⁶⁵MCA§17-3-103 (2020) Title 71. ... Pledges, & Liens Chapter 3. Liens Part 1. Universal Citation: No lien for claim not due. No lien arises by mere operation of law until time at which act to be secured thereby ought to be performed.

of jewelry-&-rings/lock box/car: coerce-isolate-abandonment incommunicado during day duress
(French: *abus de faiblesse* for aka) abuse of weakness for her 94.75 years

h-iii.) & secret surveillance warrant sabotage of RCL in 9-elections.

i.) Support Order- c): Of HJRC anti-mafia Justice's time treasure & skill requires:

i-i.) joined 19-Respondents (79%-Lawyers) apply Amend. VII Law Suits' Jury Trial(1791);

i-ii.) & Mont. Declared Right Art. II §26 in 100% Jury Trial(1889) verdict(FN#2 & #16);

i-iii.) & Title of Nobility Amendment aka Missing 13th Amendment(1819). Joined 19-
Respondents with ABA[FN#4] are indispensable parties for "deep pocket"⁶⁶ greatest financial resources
due to CV-78-67-BU as \$120,000 Dahoo monies appendix Exhibit A-8508 (p2 of 6).

i-i.) & Title Procedural due process arises from the words "of law" in the phrase "due process of law".
Procedural due process protects individuals from the coercive power of government by ensuring that
adjudication processes, under valid laws, are fair & impartial. Such protections, for example, include
sufficient and timely notice on why a party is required to appear before a court or other
administrative body, the right to an impartial trier of fact and trier of law, and the right to give
testimony and present relevant evidence at hearings.⁶⁷ (emphasis added)

i-ii.) No notice to RCL by 19-Joined Respondents to Mother's probate, note with Lynch.

i-iii.) Civil/tort Prospective Jury Verdict Judgment: Given premature success of this Mandamus
Petition for Order to allow amending "Parent Case A & Sibling B Parts I & II" complaints for the 100%

⁶⁶ Deep Pocket 1. (pl.) Substantial wealth and resources <the plaintiff nonsuited the individuals and targeted the corporation with deep pockets>. 2. A person or entity with substantial wealth and resources against which a claim may be made or a judgment may be taken <that national insurance company is a favorite deep pocket among plaintiff's lawyers>. Black's Law Dictionary 8th Edition (2004) Page 447.

⁶⁷ Sandefur, Timothy (2010). The Right to Earn a Living: Economic Freedom and the Law. Washington, D.C.: Cato Institute. pp. 90-100. ISBN 978-1-935308-33-1.

JTV-DP-R_[FN#2 & #16] trial, pray to complete trial: by Nov. 15, 2022. A \$65-billion (9-zerros) self-pay, hold gov't 100% harmless jury verdict. Bad faith Respondents.

j-iv.) Joined 19-Respondent's participation, aided & abetted actual fraud *refused to provide RCL Pro Se a copy on Feb. 9, 2015 "Revocable Living Trust-(when) your mother died her Living Trust died" with her.* Therefore, TRUST/WILL was destroyed by the alleged fraudsters.

k-i.) A RCL Pro Se Naples Estate Lawyer Expert witness, via sworn zoom: *shall testify Mom's Living Trust (after doing some things) that would become Mom's Last Will & Testament.*

k-ii.) *HPL-WJD-JWD with all the lawyer tools*⁶⁸ *believe the oldest son gets whatever he wants aka primogeniture.*_[FN#51]

k-iii.) Joined 19-Respondents "*bait & switch to catch-&-kill*" scheme to sting after destroying Mothers *Revocable Living Trust*-quick extortion of estate monies & property after February 9th, 2015am meeting in Defendant Pro Se Wade J. Dahood's law office.

EXCEPTIONAL 64-CIRCUMSTANCES ("EC"): APPELLATE REVIEW EVIDENCE

Rule 20.1 assist courts judicial review: Fed. Evidence Rule 602⁶⁹ Federal/Mont. R.Civ.P. 60.₇₀₇₁ From

⁶⁸ Lawyer tools used against RCL Pro Se these forty-three years from CV-78-67-BU: 1. mollycoddling lawyers; ... to: 17. Gov't Lawyer judge policy: "no tickie no laundry" aka "no tea, no talkie, no money no honey:" Saigon, Vietnam (Robin Williams *Good Morning Vietnam*, Saigon clean city for 300,000 prostitutes. Seattle Superior Court Judge Horton Smith secured ownership of RCL Pro Se residence (on Magnolia Bluff) after marriage dissolution denial of his daughter's joint custody.

⁶⁹ Federal Evidence Rule 602 Need for Personal Knowledge witness may testify to matter only if evidence is introduced sufficient to support a finding that witness has personal knowledge of matter. Evidence to prove personal knowledge is of witness's own testimony. Does not apply to witness's expert testimony rule 703.

⁷⁰ Similar Federal/Montana State Rule of Civil Procedure 60(b)(3) grounds for relief from a judgment/order: fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct is by opposing party-Magistrate J.C. Lynch followed by Judge Morris & above. & 60(d)(3) Set aside judgment for fraud on court.

⁷¹ Top down ethical breach of Public Trust in comity with Fla. Stat. 112.324(3) without written fee contract UCC/Bar Ass'n. No Dahood answer: a.) not waive b.) wrongful-dismissal c.) fact misrepresentation is extrinsic-intrinsic fraud d.) no legal sufficiency/lack due process.

CV-78-64-BU a 43-year motive to HTSABBT addresses RCL Pro Se to not get spent out of court again.

1.) Exceptional Circumstance ("EC") each Joined 19-Respondents as obligated to their oath
mandate oath Rule 5.4⁷² as is consistent with MOOF Warranty Assumption of Risk & Voter
Registrations & Pledge of Allegiance opposing violations of Respondent's final orders & one judgment
listed. These near identical oaths were initiated after American Revolutionary War (4/19/1775 to
9/3/1783) & settled after the United States of America Civil War (4/12/1861 to 4/9/1865) No one has
the right to change the conditions, or limit those two treaties: (1-a) imposed by governmental powers
of taxation, eminent domain, police power, & escheat; (2-b) claim any illegal "law" of
primogeniture; [FN#51] (3-c) must comply with near identical: Federal/Montana Rules of Civil Procedure
8(b)(6); 8(a); 60(b)(3); 15(a)(2); 8(b)(6); 8(d)(3)-&-8(c)(1) see Law Discussion, as (4-d) no credibility
by no proximity to bad comparison: Bell Atlantic Corp. v. Twombly 550 U.S. 544 127 S. Cat. 1955 as
precedent/*stare decisis*/judge made case study (3rd party hearsay with no live fact witness testimony
for rebuttal) it is no Civil Rule of Procedure & is not codified: Montana Code Annotated ("MCA") and (5-
e) U.S. Magistrate JC Lynch etc. et al cannot further delay, block & stop with leftist anti-American
continuance of no good behavior as described in U.S. Constitution Article III § 1.⁷³ (6-f) A second jury
opinion against Joined 19-Respondents functional illiteracy: a yes-or-no compliance to Federal Civil
Court Forms used by RCL Pro Se replicated in this Amended Complaint document #8. (7-g)

⁷² "Each applicant shall sign the following oath or affirmation: I, do solemnly swear (or affirm) that as an attorney and as a counselor of this Court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States. Rule 5.4. Rules of the Supreme Court of the United States. Rule 5.4 of the Supreme Court of the United States Effective July 1 2019 (blue cover).

⁷³ U.S. Constitution Article "III - § 1." "The judicial Power of the United States, shall be vested in one supreme Court, and ... Judges, both of supreme & inferior Courts, shall hold their Offices during good Behaviour, & ... receive for their Services, a Compensation, ...not be diminished during their Continuance in Office. (Emphasis)

Respondents do not substantively comply with Civil Rule 8(b)(6) **Effect of Failing to Deny An Allegation**-other than one relating to the amount of damages-is admitted if a responsive pleading is required & the allegation(s) is not denied. *[Original 5-Respondents not understanding is not a yes or no answer. And to blame clear-educational footnotes is also not a yes or no answer in denial]. (8-h)* The Joined 19-Respondents had-&have no written-evidence: no power of attorney, no appointed estate administrator, no guardianship as this is actual fraud to manipulate & falsify public records: "Full Release of Recipients..." Exhibit A-8306, **(9-i)** & include Merna Green (\$89,828.56) court default judgment is repetition of libel per se: extrinsic fraud MCA 25-4-103/601. **(10-i)** Joined 19-Respondents erased Blessed Parents Mother DHL/Father HFL under scheme to take money & property: real-& personal property estate ownership to 4-boys, each 25-percent. CV-17-79-BU is not intestate probate DP-18-31 for property distribution given discovery: April 6, 2018 hearing before U.S. Magistrate Lynch.

11.) EC RCL Pro Se in self-defense against Joined 19-Respondents' scheme to erase Blessed Mother-Dad's faces & legacy, taking their money & property with neither, authority nor, written evidence of legal standing. All underly sour grapes motive by disgruntled Wade J. Dahood Defendant Pro Se to give a different answer, each time not understanding existing public records, not yet destroyed by the U.S. Clerk of Court Respondent.

12.) EC RCL Pro Se is no *Sucker-Loser*^[FN#21]: no more 43-yrs. Joined 19-Respondents.

13.) EC RCL Pro Se exposes heresy of anti-orthodoxy these Joined 19-Respondents as belligerent & incorrect use of precedent as "law"^[FN#25]:

Apply statutes, the reason for this difference is civil law jurisdictions apply legislative legal positivism-which holds that statute legislation is the only valid source of law as it has been voted on democratically; thus, not judiciary's role to create law: Not appropriate to use Bell Atlantic Corp v Twombly 127 S. Ct. 1955^[FN#25] Restate as short RCL Pro Se)

Conclusion: Statutes are shorter, fact based, legally positive & not to create law with precedent.

Precedent use is for criminal-murder law⁷⁴ jury trials as more common. (emphasis)

14.)EC External Fraud by Jeffrey Wade Dahoo Pro Se of KNIGHT & DAHOOD Law Firm Pro Se for representing Merna Green Montana Department of Revenue in 9th District Court of Appeal Emergency Hearing for \$1,050 sanction: attorney-in-fact fee due RCL Pro Se for their continuing fraud on court.

15.)EC RCL Pro Se requires 100% JTV-DP-R[FN#2] with juror verdict MCA 25-7-103 right to litigate in accord with Title of Nobility Amendment aka Missing 13th Amendment₍₁₈₁₉₎ right not to be sworn to discriminate & continue as superficial power-by-emolument⁷⁵ employees control all gov't society: 100% market share ...lawyers lobby lawyers-as-insider trading against public good of governance.

16.)EC RCL Pro Se sues 15-lawyer of-19 Joined Respondents, when publicly paid \$1,228,413/yr.+ benefit [FN#42] to prevaricate Oath U.S. Supreme Court Rule 5.4, not-to-enforce MOOF Warranty Assumption of Risk public charge[FN#43] require: enforcement of Rules of Civil Procedure to succeed.

- US Supreme Court Administrative review is required: 15-lawyers (79%) of-19 Joined Respondents are mollycoddled from bench-as-mentors prejudicing RCL Pro Se. Gov't lawyer judges arrive late for daily work, leave early for daily work, take ½ day to all day Friday plus religious holidays not national holiday. Ignore & gag RCL Pro Se to escape his oversight & he unable to self-defend these last 43-years after getting spent out of court w/father Henry Francis Lussy in CV-78-67-BU[FN#6,#7,#8].
- sams@bestselfusa.com[FN#15] updated version of **Doing Well by Doing Good** Executive Coaching Curriculum. This RCL Pro Se referral [FN#15] is a correct assist for Federal/MT,FL state court efficiency.

17.)EC This no-show no-do, no-grid, no-particularity of "secret-bluff" analysis "precedent"/*stare decisis*/judge made case study with no live 1st party testimony rebuttal in *Bell Atlantic Corp. v. Twombly*

⁷⁴This petition is for just one tort/civil JTV-DP-R whereas; U.S. Supreme Court allowed 6-separate criminal jury trials in: *Curtis Flowers v Mississippi* 476 U.S. Sup. Ct 79 (2018). Gov't lawyer prosecutor just gave up.

⁷⁵Emolument n. (15th century) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. Black's Law Dictionary 10th Edition (2014) page 638.

"as is" not law. No rule of civil procedure. *Twombly* is not in proximity to pre-qualify & deny 100% JTV-DP-R U.S./Montana Constitution mandate. Clearly *Twombly*'s purpose is to maliciously prevaricate a "rigged dissimilarity in fact & rigged dissimilarity in issue to incorrectly conclude for lack of proximity a "precedent": *Twombly* by LYNCH COURT unable to "get ball across goal line." This "bluff-analysis" is "persuasive" over-reach: get paid to commit tort/crime: no-show no-do, no-grid, no particular accuracy.

QUOTE ➤ RESPONDENT MAGISTRATE LYNCH COURT: "The essence of your argument to me is, again, very succinct and it's under Bell versus Twombly which we are all familiar with. And basically saying he (RCL Pro Se) fails to, as the term used in the Twombly case, get the ball across the goal line." Document 61, 4/6/18 CV 17-79-BU-BMM-JCL. Page 12 & 13 L24-25 & 1-3. (emphasis added)

Conclusion: Not to show work product analysis is bluff-opinion. Cannot bluff in 100% JTV-DP-R[FN#2,#17].

18.) EC HTSABBT against RCL Pro Se is reminiscent of King Charles III of Old England's tool of total tyranny made necessary as there was no written U.S. Constitution: *US of A Twombly case* is irrelevant as total tyranny & taken out of context by direct comparison in this civil/tort case as it is in a different country by foreigner emolument[FN#5] standing in popular elections.

19.) EC Sabotage surveillance 43-years (CV-78-67-BU to CV-17-79-BU (WJ Dahood same party for 2nd tier lawyer malpractice lawsuit destroyed U.S. Clerk-case-records)): Organized crime mafia: HTSABBT against RCL Pro Se with contract on life of RCL Pro Se, pays all agents-contacts-shills-as employees with credit default swaps-insurance (their death(s)) with no insurable collateral. Assured with 24/7 surveillance electronic & physical comings & goings since arrival in South Fla. May 15, 1988 by ABA.

20.) EC Motorbike tire sabotage three times, three-six-inch nails shot into sidewall of motorbike tires before Aug. 29, 2020: RCL Pro Se was always out of-town-Naples. i.e. It is a manifestation of ABA-ABA-SSW paid by monopoly gov't in Air Conditioned ivory towers.

21.) EC More sabotaged tire: August 29, 2020pm one 6-inch nail shot into bottom-left rear car tire

while driving: a \$297-expense. The unidentified man followed RCL to gas station to personally guarantee more car tire & air loss. No "generous" offer of a business card to testify-in-court.

- 22.1 Sabotaged pedal-bike-flat tires: over a baker's dozen: 5+-miles f/home against RCL.
 - Smirking saboteurs "schadenfreude" follow to observe-pleasure of RCL pain.
- 23.1 RCL Pro Se Yamaha 650 turbo sabotage tip-over 6+ times to 45-minutes: re-start.
- 24.1 RCL Pro Se thrown 56-feet off Yamaha 650 turbo in Palm Beach County-truck

T-bone crash at stop-signal construction site. Police officer found RCL in hospital Emergency Room to give a ticket as his helmet-came off: slippery string like NFL football pile-on. A 24/7 sabotage physical surveillance is to harass with deleterious bribed "fact" witness testimony.

○ 25.1 RCL Pro Se on another replacement Yamaha 650 at traffic ticket hearing SSA agent switched a No-Parking Cone guaranteed 2nd traffic ticket to make a second 50-mile court hearing.
26-a.1 EC HTSABBT of RCL Pro Se under 24/7 sabotage surveillance, phone taped, hacking electronic word processing, change font, words, numbers, file deletion critical details as RCL Pro Se is a commercial & extraordinary residential property appraiser report writing & expert witness the report for Florida Federal Court appraisal exhibit is everything: malicious intent is to make documents defective & so clients do not come back when unknown sabotaged errors are not corrected. Purpose is to ruin RCL Pro Se's Property Appraisal career after graduation from University of Montana (4/1973) 48-years. Organized crime for wet blanket stings these 43-years paid by ABA-NGO-BALCCB-SSW-SSA in Martin & Collier Counties: 2nd & 1st most affluent of all 67-Florida Counties on a per-capita income basis. Criminals go to the money, using words to delegate to 3rd parties: boast not to work.

- 27-b.1 See Exhibit A-8571 affidavit sex threat picked up Certiorari bound books Miami.
- 28-c.1 Ex. A-8588 ABA false voice mail: *ABA: Defending liberty pursuing justice. Nope!*

- 29-d. Ex. A-8601 Naples Police Report 21-11801 (9-1-1) phone call deleted Mandamus File. Explains unrelenting deletions to malicious-delay mail June, after April 1st submission.
- 30-e. Ex. A-8538 US Clerk of Court reopen CV-78-67-BU free by pleading yet still 43-year gaged by (deceased) U.S. Judge Murray & will not accept by corrupt gov't lawyer judges protecting their own ABA that protect them & no video proof to show the world.
- not *res judicata* orstatute of limitations noted by JWD Respondent Defendant Pro Se & supported by Judge as Clerk cannot overrule Judge.

31-f. Ex A-8538 US Clerk reopen CV-78-67-BU fraud void *res judicata*/statute of limitations.

- 32-g. Ex.A-8978 US Clerk of Court not give copies CV-78-67-BU case record destroyed.
- 31-h. Collier County \$156,720 Sheriff Rambosk + wife City Clerk. Woman Deputy 5'6" knew RCL Pro Se driver electric window not go up after dinner. It went up at lunch time same day. The 24/7 sabotage is part Sheriff witness coordination agent-no-lawyer w/24/7 sabotage.
- 32-i. Non-stop ROBO calls RCL Pro Se ask woman: same voice many times before to stop calling. No reply. Other ROBO calls threaten take RCL Pro Se social security income.

33-a.)EC methodology applied by gov't Lawyer Judges to manipulate & falsify public records: include: Secret Judge ordered SSW, phone taps, active background noise, re-directed phone calls to strangers to waste time. Insincere saboteur agent/"client" commercial appraisal contract delivered was to waste time: fraud "prospective client. Later "client" hostility: eye-to-eye malice with straw hair.

- Naples Custom Computer vendor for RCL Pro Se was threatened twice at his parents home-office. He installed a front door: fixed camera-start with door bell activation & got photos of SSA coming to his front door to threaten him for working with RCL Pro Se. Judge mollycoddling subsidizes lawyers conspicuously in actions & words: *ad nausea* while secretly ordering SSW's.

- **34-b.) EC** include contact tracing thru cell-phone applied by a queer NGO-SSW-SSA-Naples stranger that found RCL Pro Se in one-of-20-movie screens in Hollywood Regal 20 Cinema.

35-c.) EC Sabotage: most always different people, lawyers & most queer skinny English men of Dissent apply: wet blanket stings, scorched earth & death by 100,000 cuts these 43-years.

- **36-d.) EC** International Green Machine (HQ: London-&-Luxemburg) **(i)** brazenly, bold: anti-American from Butte-to-Naples: America since CV-78-67-BU continues in CV-17-79-BU **(ii)** require precedent/*stare decisis*/judge-made-case "studies" (require 3rd party precedent hearsay with no live fact witness testimony rebuttal to impeach). **(iii)** WHEREBY, to void-vitiate-vacate all civil rules of procedure & to never apply written U.S.A./Montana Constitutions' & codified statutes. **(iv)** Provide compensation on all three sides of the transaction include both ends of deal while supervising in the middle as facilitator-gov't lawyer-magistrate judge-justice prejudiced to lawyers as lawyers themselves untrained in jury trials. **(v)** Going In Personal Guarantee knife to back of RCL Pro Se Petitioner Pro Se, Decedent Heir, Injured Party, Candidate & Appellant as is **(vi)** by a third party guarantee: "total return (credit default) swap(s)" ("CDS") guaranteed performance aka performance bond to benefit the pass-thru-cartel/cabal: ABA-ABA, both non-government organizations, **(vii)** exclusively employed inside & thru-monopoly government USA society at all levels in all 50-states and 5-populated territories; **(viii)** refuse non-lawyer RCL Pro Se oversight in 100-percent JTV-DP-R₁FN#2-#11 as not adequately trained in jury trials/moot court/mock trial while holding *juris doctor* diplomas' with no doctor experience what-so-ever; **(ix)** **CDS** are full speculation & not based on property insurable interest. **(x)** A supplement is dead peasant/janitor insurance.⁷⁶ Then verified when one of 300-shills _[FN#14] paid to oppose RCL Pro Se i.e.: **(xi)** mafia shill Lou Carron died in 2021 (age 88) benefit to mafia insurance; **(xii)** Ray Richards mafia shill/plant: first 100% blind, changed when challenged to "going blind"-man & others.⁷⁷ **(xiii)** Complete-mafia-service: Camorra Naples Old Italy,

⁷⁶ Dead Peasant Insurance is **supposed to be only for employees** is shorthand for life insurance policies that **insure a company's rank-and-file employees and name the company as the beneficiary**. This means that the company receives the life insurance benefits when the covered employees die. This insurance may also be called "**janitor insurance**". These insurance programs became popular during the mid-1980s and have been an available **investment opportunity for large companies** since that time. Prior to 2006, however, there was no federal law that required employers to disclose the policies to insured employees. Any disclosure requirements that existed before 2006 were only through state laws, which were ignored in many instances. So, the only way a person could learn about the policies was through the **employer's voluntary disclosure**, (or-a-mistake). (1) Featured also in DVD: *Capitalism A Love Story: Michael Moore's Magnum Opus*. (2) Also circa 1839, *La Amistad* (slave ship) DVD by Steven Spielberg: 57-slave dumping at sea men-women & children fraud lawsuit Old English case compensate for drunk captain's miscalculation of route; got lost & insufficient water ration.

⁷⁷ **Organized crime contacts:** **(i)** Ray Richards mafia plant 100% blind, changed to "going blind" when challenged (poser-actor-phony) imported from Jacksonville (criminal juvenile record). Address change from: 72 Seventh St. S. Apt #103, Naples, FL 34102, phone 860-460-1523, E-mail richard583@aol.com. Maybe still at St. Ann's Council 11079, Knights of Columbus; **(ii)** Burt Reynolds Dinner Theatre Tequesta, Fla., with DHL Mother as witness: shared table, direct from Sicily. All relatives had beautiful floors & no teeth(rotten). **(iii)** **Supreme Flooring** business & property: where Tom Snyder II Supervisor ("Mafia Owned") cell (239) 784-0774, work (239) 262-1300 & his **(iii)** one-mafia friend (maybe employee)

replicated in Naples, Collier County Florida interstate-long-arm-business-money-laundered-purchased: going concern businesses. (xiv) insured-contract to drive RCL Pro Se out of Florida: by ABA-ABA (xv) Require all shills to personally guaranteed success against RCL Pro Se in part 9-unsuccessful property appraiser elections. (xvi) Surveillance-manipulate & administer no 43-year progress to RCL Pro Se.

- 37-e.1 EC international green machine threatened-new Miami-Fort Lauderdale Appraisal Institute Chapter President from Cuba to assist me over the phone (mentor John Blazejack MAI, SRA). SSA in line in front of RCL Pro Se: eye-to-eye threat; he changed the new Chapter President's mind: not to show membership the MENSA video of RCL Pro Se for case publicity.
- 38-f.1 EC *international green machine* SSA always stared & smirked at 8am church at RCL Pro Se just before their attack so to ruin his income earning: This 1099 W-9 contract employment was in five county: Orlando area. A premium-high quality employer: (Bob) Beaumont & Matthers Appraisal Firm. All firms 9-computers stolen just after RCL's relocation to Jensen Beach for a court filing obligation & temporary move to Daytona Beach.
- 39-g.1 EC Daytona Beach *international green machine* SSA circulated strange hearsay comment to question the location of some confidential-office-report to which RCL Pro Se was one of four employees in office that had access. Employer was Charles Gardner, MAI Review Appraiser: Florida Department of Transportation (D.O.T.). Sabotage employment termination occurred. Driving back to Jensen Beach RCL picked up hitch hiker. Hitch hiker smirking with *schadenfreude*-pleasure knew details of this employment termination: wet blanket sting gov't funded SSA: money & pleasure.
- 40-h.1 EC *International (mafia) green machine* book binder: multiple Writs of Certiorari v. IRS & Writ of Mandamus Fla. Elect. Com. His one & only computer stolen: D & B Book Binders, Hialeah, FL.

- **41-i.)** EC international (mafia) green machine gov't lawyer magistrate, judge & justices use work around clutch tool manipulate & falsify public records (*res judicata*) Evicted 4033 Guava Drive with rent current (bank repossession) & RCL Pro Se written lease allowed 30-day relocation now eviction on record. Corrupt Judge left at noon Friday no look Emergency Motion, so say Sheriff Deputy monitor. Corrupt Judge had speeding tickets surrounding Collier County: not in his traffic court.
- **42-j.)** EC international (mafia) green machine paid to 100-percent benefit ENTITLED LAWYER "wise-guys" do lie, do cheat, do steal & manipulate, falsify public records -legitimately -can do anything they want & nobody can say anything about it. RCL Pro Se history 43-years post CV-78-67-BU.
- **43-k.)** EC international green machine ENTITLED LAWYER-gov't judges **(i)** make work motions to delay, block & stop 100-percent JTV-DP-R_[FN#2]: **(ii)** arrive late daily work, **(iii)** leave early daily work & **(iv)** Montana Federal & state Mont./Fla. judges take off ½ day or all Friday & "paid-public" holidays added ancillary days connected to religious holidays, not national holidays.
- sams@bestselfusa.com _[FN#15] control MENSA software f/efficient Fed/State court system mgt.
- Gov't lawyer judges Fed./Mont. State by ABA-BALCCB-SSW-SSA incorrectly benefit.
- **44-l.)** EC International green machine ENTITLED LAWYER-gov't judges have knowledge addenda document Exhibit A-8601/ "911 Case: #21-00011801" Police Officer Clawson, City of Naples invisible: electronic deleted this Extraordinary Mandamus work-product 2/18/2021: Ash Wednesday.
- **45-m.)** EC ENTITLED LAWYER-gov't judges in BALCCB with 100-percent market share etc. etal are 100-percent reliant on American Bar Assn cartel _[FN#4] employee uselessness of tax-paid-effort by discrimination that void MOOF Warranty to block & stop⁷⁸⁷⁹ all respect for American law-as-

⁷⁸Judge Friendly put it well: "[w]ithin the limits of professional propriety, causing delay & sowing confusion not only are

public paid charges, earning public monies: provide token public service by "going thru motions" top-down, systemic fraud against 100% JTV-DP-R_[FN#2 & #17].

- **46-n.) EC ENTITLED TRIAL COURT OFFICIATING DEFENDANT LAWYER** PRO SE'S-in BALCCB 3-years law school *juris doctor* diploma not adequately trained in jury trial/moot court/mock trial_[FN#24] with *juris doctor* diplomas & no doctor experience what-so-ever: **(a) Jeffrey Wade Dahoo** J.D. (2005) University of South Dakota, School of Law Vermillion: (Mascot Coyotes); **(b) Wade J. Dahoo** & **(c) U.S. Magistrate Jeremia C. Lynch** University of Montana Law School (Mascot Grizzly); **(d) Article III U.S. District Judge: Brian Matthew Morris**, note a "Judicial Keystone Kop" (WSJ, 11-13-18) Stanford Law School (**Mascot Patriots**); **(c) U.S. Clerk of Court District of Mont. Tyler P. Gilman**, University of Texas School of Law & **(d-e-f-g-h)**: Appellate Clerk & Judges: **[I] Do not** add value to public tax paid governance; **[II] Do not** facilitate justice. **[III] Do not** inspire serine confidence of public servants.
- **47-o.) EC ENTITLED OFFICIATING CLERKS & JUDGES**-gov't charged: employee judges in BALCCB as public charge tax paid earnings itemized: U.S. Magistrate Jeremiah C. Lynch, (\$191,000+ benefits); Article III Brian M. Morris (\$210,900+ benefits); 9th Circuit Appeal Judges (\$223,70+ X 3 = \$671,100+ benefits); Montana District Court Clerk Tyler Gilman (\$58,363+benefits); Appeal Court Clerk Molly C. Dwyer (\$97,417+) total: \$1,228,413 plus paid benefits **(1)** do these parties **add value** to public governance by claiming "discretion" not to comply with RCL Pro Se petition juror second opinion on "not understanding" & **(2)** unhelpful "footnotes" concurrent **(3)** **"order for leave to amend complaint co-signed by competent lawyer: satisfy 2-judges** for 100% JTV-DP-R for prayerful completion before November 15, 2022: the election cycle for 2024 election.
- **48-p.) EC ENTITLED LAWYER**-gov't charged for third juror opinion on U.S. Magistrate JC Lynch cite Case Twombly (that could not get the ball across the goal line) inadequately trained with no jury trial/moot court/mock trial with an ABA diploma: *juris doctor* & no doctors experience what-so-ever.

[lawyer's] right but may be his duty." Rebooting Justice "More Technology, Fewer Lawyers, & Future of Law", Benjamin HJ. Barton Esq. & Stepanos Bibas Esq. (2017) P. 108.

⁷⁹Adversary system: That obligation is an essential facet of the role of partisan advocate, & the partisan advocate is a creature of the adversary system. Ultimately, then, the fourfold root argument shows that the adversary system excuse is only as good as the adversary system itself. But how good is that? ... I argue that the adversary system is justified only by the very weakest of reasons, namely, that it is not demonstrably worse than other systems. And the final step of the argument consists in showing that this is not reason enough to retain the principles of partisanship and non-accountability-the standard conception of the lawyer's role-except in a highly qualified form. Lawyers & Justice "Opportunity in the Law, (1988) David Luban Esq. page 152.

- **49-q.) EC ENTITLED OFFICIATING LAWYER MAGISTRATE JUDGE & CLERKS-are gov't charges:**
 - [I] have no discretion not to abide by sworn Rule 5.4 oath & MOOF Warranty Assumption of Risk;
 - [II] is a mandate-for ministerial public governance;
 - [III] taxpayers no choice, no discretion to disregard Oath tax paid received require public non-lawyer oversight with Titles of Nobility Amendment(1819).
- **50-r.) EC Gov't Lawyer Magistrate JC Lynch Work Around Words** are universally toxic, hostile & in bad behavior to discourage honest fact findings concurrent
 - [I] with a false claims on RCL Pro Se of "over speaking" Magistrate Lynch is:
 - [II] **not good behavior** violated US Constitution Article III § 1⁸⁰ while RCL Pro Se appear in self-defense since CV-78-67-BU. Public courtroom non-violently confronting defendant lawyers-son for Father Wade J. Dahood Pro Se.
 - [III] U.S. Magistrate Lynch activity is in comity with Fla. Statute 895.02(1)(a)23. § 777.03 commission of torts/crimes by accessories after the fact by authorization even though not personally doing the acts becomes responsible.
 - [IV] Become a fraud on the court by officers of the court⁸¹⁸² ever so implicit-bold & brazen;
 - [V] Therefore there is no public benefit of ABA's policy of discrimination as a NGO exclusive part of US

⁸⁰ U.S. Constitution Article "III - § 1. "Judicial Power of United States, shall be vested in one supreme Court, & in such inferior Courts as Congress may from time to time ordain & establish. Judges, both of supreme& inferior Courts, shall hold their Offices during good Behaviour, & shall, ... Compensation, ... not be diminished

⁸¹Fraud on the court (1810) In judicial proceeding, lawyer's or party's misconduct so serious that it undermines or is intended to undermine integrity of proceeding. Examples are bribery of a juror & introduction of fabricated evidence. Blacks Law Dictionary 9th Ed. (2009) p732.

⁸²"Fraud On The Court By An Officer Of The Court & Disqualification of Judges, State & Federal" www.ballew.com/bob, Exhibit A-3751 (3-pages).

judiciary now, to refuse (1819) Missing 13th Amendment aka Titles of Nobility Amendment.

- **51-s.) EC ENTITLED JOINTED 18-RESPONDENTS** gov't charged as gov't tax paid require [I] a 100-percent jury trial civil/tort verdict;
[II] provide a referral criminal RICO/*International Green Machine*/SSA conspicuously so to forfeit spouses wedding rings, unnamed herein,
[III] as Mothers wedding ring was part of jewlery removed from 1818 Tammany St.

- **52-t.) EC ENTITLED LAWYER**-charge manipulate & falsified public records
[I] document RCL Pro Se pleadings/affidavits/motions were in fact: letters!
[II] This claim by all named party lawyers not to understand English language-pleadings.
[III] Filled out US District Complaint Form available to public parties functional literacy.

- **53-u.) Joined 19-Respondents & ENTITLED LAWYERS**-each gov't charges' as gate keepers control 3-year law school *juris doctor* diploma: American Bar Association ("ABA") with 100-percent market share, no competition, no consumer freedom of choice:
[I] **illegal-not constitutional** 1-judge order use precedent to void in US/Montana gag RCL Pro Se use of Rules of Civil Procedure still require him in self-defense to pay a lawyer before speaking to free monopoly government lawyer judge these 43-years.
[II] Precedent **is total tyranny reinstated** from Old England pre 1776s King George III with no written constitution.
[III] **America's rules of civil procedure** allow lawsuits against public officials.
 - The violative of a vested legal right: JTV-DP-R continues these 43-years in 9-elections.
 - **54-) EC** Gov't lawyer judges the 43-years not enforce non-lawyer RCL Pro Se plead law

unless pleading is signed by lawyer with bar number⁸³⁸⁴ against America & RCL Pro Se.

o 55-1 EC Joined 19-Respondents of ABA-ABA-SSW pay SSA use of 24/7 invisible electronic/physical comings & goings to guarantee poverty creation contacted Jeffrey Jordan Appraisals Wolf Road, First National Bank Building, Colonie, Albany NY (passive aggressive, going thru a divorce) fired RCL Pro Se while working on three-of his appraisals. No reason given after.

56-1 EC Joined 19-Respondent's poverty creating ABA strategy 100% prohibit gov't lawyer judges to enforce plead law in cases before them as "public servants": documented these 43-years (CV-78-67-BU to CV-17-79-BU) as-gov't lawyer judges participate: aide, abet, advise, mentor & mollycoddle these Joined 19-Respondents in actual fraud MCA 28-2-405(3-&-5).⁸⁵

57-1 EC Joined 19-Respondents benefit by ABA discrimination fiat apply to no-profit: Legal Aid Service of Collier County Fla. 4436 Tamiami Trail E, Naples, FL 34112. Twice denied RCL Pro Se assist after met financial guideline. Nice lady former office employee-fact witness.

58-1 EC Diversity of Citizenship 28 U.S.C. § 1332: where RCL Pro Se (Florida) sues Joined 19-

⁸³ Universal unwritten policy by gov't lawyer judges with other lawyers before them in trial courts after 245-years (7/4/1776 to year-2021) of a.)self-administered, b.)self-pardoned, c.)100-percent market share, d.)no competition, e.)offer no consumer freedom of choice with f.)tactics of express omissions, g.)100-percent concealment h.)thru insider trading (read getting paid on both ends while interloping in middle), i.)no transparency, j.)mollycoddling, k.)mentoring, l.)advising, m.)-participate in aide & abet, n.) lawyers are not adequately trained by American Bar Association ("ABA")certification of 3-year law schools o.)juris doctor diploma with no jury trial/moot court/mock trial training, p.)- the *juris doctor* is fraudulent & willful mislead public with no doctor experience what-so-ever q.)-since CV-78-67-BU/CV-17-79-BU & 12773/DV-80-41 (same parties-plaintiff-&-defendant RCL v WJD Pro Se) instant case.

⁸⁴ Lawyer enterprise trade union/non-government-organization ("NGO") oath. Men & women took an oath when they joined the Montana-Florida Bar Association sibling of American Bar Association. They raised their right hand and they pledged allegiance to the trade union. More specifically, they pledged their allegiance to their fellow trade union brothers and sisters. For these men, it was trade union first, client second and country laws last if same laws were not blocked and stopped first from ever being applied as non-existent. Source Re: R.C. "Rick" Lussy.

⁸⁵ MCA 28-2-405(3) actual fraud the suppression of that which is true by one having knowledge or belief of the fact & MCA 28-2-405(5) any other act fitted to deceive.

Respondents/states: Montana, Washington & Illinois: for more than \$75,000.

EC Overview Federal Question(s) 28 U.S.C. § 1331 unrelenting discrimination with **HTSABBT aka Hunted-Targeted-Stalked-Attacked-Bullied-Badgered-Tormented RCL Pro Se Plaintiff** 43-years after CV 78-67-BU continues well after treaty ending the Revolutionary War for Liberty & Independence (1775-1783) aka **Pro Se Plaintiff 13-Original Colonies: American** with written *Declaration of Independence/Constitution/Bill of Rights versus Pro Se Defendant Old England's King & Westminster Parliament: British* with no written constitution 100-percent reliant on precedent/*stare decisis/judge made case law*^[FN#27]. RCL Pro Se a second class citizen 100-percent subservient to Blessed-Sainted Parents: Mother Dorothy Helen and Father Henry Francis Lussy Legacy intestate probate DP 18-31 after the destruction of Mothers: "**Revocable Living Trust-To-Be-Her-Last Will & Testament**" bait & switch to catch-kill to erase the faces of: Blessed DHL/HFL in care of #3-son RCL: "**(when) your mother died her Living Trust died (Wade J. Dahood Pro Se to RCL).**"

59-) EC Joined 19-Respondents (B: #1) Federal Case of actual fraud on the court by officers of the court: \$1,228,413^[FN#42] paid to commit civil-torts & crimes arising out of United States Constitution treaty pursuant 28 U.S.C. § 1331 after Revolutionary War for Liberty & Independence (1775-1783) aka **Pro Se Plaintiff American: 13-original colonies versus Pro Se Defendant British: Old England's King & Westminster Parliament.** The success of the 13-original colonies with a written constitution/Declaration of Independence & Bill of Rights: American versus British: no written constitution 100-percent reliant on precedent/*stare decisis/judge made case "law."*

Cause for relief: breach sworn loyalty oath obligation: U.S. Supreme Court Rule 5.4 Atty Oath/Pledge of Allegiance/**Ministerial**^[FN#53] **Oath**^[FN#54,#55,#569] of **Office**^[FN#57] ("MOOF") of Actual Agency^[FN#58] in Fact^[FN#59] delay, block & stop by contrarian ABA-BALCCB-NGO is obstruction with

SSW-SSA sabotage. **RCL Pro Se enforce oath breach fraud on court.**

60-EC (B: #2) Federal Question to stop ABA due paying 24/7 HTSABBT sabotage against RCL Pro Se denial of competitive neutrality doing ultimate harm to consumers by (a) not adequately teaching 100-percent JTV-DP-R_[FN#2] (b) policy: "*no tickie no laundry*"_[FN#18] to spend RCL Pro Se out of court with make work resulting in loss of residence_[FN#18,#19].

61-1 EC (B: #3) Federal Case arising out of U.S. Constitution include US Constitution public records *Title of Nobility Amendment aka Missing 13th Amendment*_[FN#29 & #30]; Doc. 8, pp 4-22 of 82 pge.

62-1 EC Joined 19-Respondents (B: #4) Federal Case to adopt from: Florida Criminal Statute 839.13(2)(d) & (3) to: (Proposed Language)

Montana Code Annotated into civil law "... in addition, this section does not prohibit any person from correcting or updating manipulated or falsified public records (3) In any civil-tort/criminal prosecution it shall not be necessary to prove STANDING: in ownership or value of any paper or instrument involved." Likened to Exhibit A-3863 (3-page) in appendix.

63-1 EC (B: #5) Federal Constitution challenge from Montana Code Annotated 15-8-111 100% market value (willing sellers) to Property Tax Assessment 85%+/-Value (unwilling sellers).

64-1 EC (B: #6) Federal Constitution challenge from criminal law precedent mandatory use to civil-tort litigation. To go to 100% JTV-DP-R. Or if so, show your work. Or else one did not do the work: as paid. That mandatory work is of objective grid analysis show: similar facts & similar issues by direct comparison with subject-instant case with contact Information with principals/name, phone/e-mail & time/date verified. A comments section is encouraged.

INCONSISTENT 44-CLAIMS For RELIEF ("ICR") TO AMEND COMPLAINT
Federal/ Mont. Rule of Civil Procedure 8(d)(3)⁸⁶ does not duplicate Intestate Probate DP 18-31.

⁸⁶ Federal/Montana Rule of Civil Procedure 8(d)(3) Inconsistent Claims or Defenses for relief. Party may state as many separate claims or defenses it has, regardless of consistency. [Not 1-cause for relief: lawyer malpractice].

1 Thru 37) ICR⁸⁷ preliminary jury trial issues of inconsistent claims for relief ("ICR.")

⁸⁷ Jury Issues #1 thru #37 Preliminary: **No. 1:** Eldest brother Henry Paumie Lussy ("HPL") voice mail (not time or date noted) told Brother #3-RCL Pro Se not to come to Mom's funeral, prior to November 7, 2015 Sat. funeral.

No. 2: fraudsters HPL with WJD illegal claim to allow first born: primogeniture^[FN#51] to take whatever he wants from Blessed parents Mother Dorothy Helen Lussy & Father Henry Francis Lussy.

No. 3: Joined 19-Respondents claim Indenture-agreement (Exhibit A-8483)-neither, Warranty nor Quit Claim Deed as it was a life estate a home-help-companion for elderly-frail & hurting (94.7 year) Mother in her last years. In trade HPL lived free rent in basement of 1818 Tammany Street.

No. 4: Joined 19-Respondents (79%-lawyers) destroyed: "*Revocable Living Trust-To-Be-Mom's-Last Will & Testament*" that Wade J. Dahoo Defendant pro Se stated to son RCL Pro Se: "(when) your mother died her Living Trust died." RCL Pro Se picked up off Wade J. Dahoo's desk two other documents^[FN#99] in its entirety Revocable Living Trust exist.

No. 5 Joined 19-Respondents had no written evidence: no power of attorney, no appointed estate administrator or guardianship having no authority other than statutory: Montana Uniform Probate Code where all inheritance for four boys are to receive 25-percent each outside of 301 & 305 Main Street: Montana's Finest Stage/Movie Palace satisfactorily distributed already to #4 son as one-manager/owner for his 33-years of sweat equity. The Joined 19-Respondents fraudulent Exhibit A-8282 (50% & 50% claim) assists fraud claim. The pounding on Mom by HPL Defendant to coerce-isolate-abandon incommunicado duress during day (French: *abus de faiblesse* for aka) is abuse of weakness Mother's 94.7 years. Extrinsic & irrelevant to Intestate Probate CP 18-31 jurisdiction (asset distribution) for parent Case "A:" CV-17-79-BU.

No. 6 Joined 19-Respondents committed actual fraud by securing: "*Full Release of Recipients...*" Exhibit A-8306 with all 4-boys signatures with no notice not to apply Uniform Mont. Probate Procedure to RCL Pro Se. **No. 6** Exhibit A-8978 43-year case destruction record CV 78-69-BU;

No. 7 RCL Pro Se due diligence CV 78-69-BU 2nd lawyer malpractice lawsuit against Seattle 2nd prime counsel (Mark Davidson) Williams Lanza Kastner & Gibs with Missoula local counsel Guy McClelland Subpoena Exhibit A-8546 (17-pages) Lawyers: self-administer, self-pardon as super-cede all Existing American law proof by Gaylord A. Wood Jr. Fla. Administrative Law Section Case 17-1594F contributing to RCL Pro Se's loss of 9-Florida Property Appraiser Elections;

No. 8 Deer Lodge County 3-property tax appeals 301 & 305 main Street with 1818 Tammany St: Exhibit A-8533, A-8534, A-8535;

No. 9 Constitutional MCA 15-8-111 100% Property Tax Assessment;

No. 10 Joined 19-Respondents impeachment of Mom's duress by HPL Exhibit A-8282 HPL wants 50% of everything result of coerce-isolate-abandonment incommunicado during the day duress (French: *abus de faiblesse* for aka) abuse of weakness for her 94.75 years;

No. 11 privacy invasion of Mother, theft of jewelry-&-rings/lock box/car taken to Vancouver Washington;

No. 12 juror criminal RICO verdict referral per Dryer Act HPL took Mother Pontiac G9 to Moses Lake WA;

No. 13 juror criminal RICO verdict referral pursuant SPYING: secret surveillance warrant sabotage against RCL since May 15, 1988 during 9-elections;

No. 14 Subject Matter Jurisdiction: Federal Questions UCC § 2-313 Sworn Oath & Citizen Diversity: Lawyer oath U.S. Supreme Court Rule 5.4 oath/MOOF (Ministerial Oath Of Office) Warranty Assumption of Risk for bad faith gov't employment & Pledge of Allegiance, not necessary is Voter Registration yet might assist;

No. 15 destroyed: "*Revocable Living Trust-To-Be-Her-Last Will & Testament*" (when) your mother died her Living Trust died";

No. 16 joined 19-Respondents (79%-Lawyers) refused to file DP-18-31 Intestate Probate to apply with court authority provided with no notice to RCL Pro Se;

No. 17 Joined 19-Respondents manipulated & falsified public records self-pay to commit civil torts & crimes with no written evidence: no power of attorney, no appointed estate administrator or guardianship is actual fraud: "*Full Release of Recipients...*" Exhibit A-8306;

No. 18 A \$1,050 9th DCA sanction distraction from RCL Pro Se;

No. 19 punitive damages: **#63-exceptional circumstances** warranting exercise of 100% JTV-DP-R;

No. 20 Bad behavior of judicial officers continuing with U.S. Magistrate Jeremia C Lynch then piled on by policy of stare decisis validating gov't lawyer judgitis-vexatious reoccurring manifest abuses require (MCA§25-4-601) entry for live testimony-

38.) ICR ABA policy free public courtrooms refuse enforce RCL Pro Se pleadings call: letters.

39.) ICR ABA policy run America's courthouse judiciaries is to spent HFL/RCL out of court in CV-78-67-BU with destroyed case evidence created this poverty in: CV17-79-BU-JCL-BMM.

40.) ICR Joined 19-Respondents deny RCL Pro Se sue lawyer-Magistrate-Judges-Justices to correct manipulated & false public records: criminal Fla.Stat. 839.13(2)(d): 100% JTV-DP-R_[FN#2 & #17].

41.) ICR Candidate RCL Pro Se was refused speech in 2016/20 Election forums: STING.

42.) ICR ABA extra-judicial unregistered lobbyists 24/7 HTSABBT: 100% stopped his life.

43.) ICR ABA gov't lawyer judges 100% discrimination never enforce non-lawyer petition law.

rebuttal & 2nd opinion fact-to-law 100% jury trial verdict: (MCA§25-7-103);

No.21 Discrimination ABA policy as a non-governmental organization running American society at all levels subscribed & enforced by fiat: denial free public law before like minded fraudsters in free public courthouses.

No.22 Inadequate training the Joined 15 of 19-Respondents no 100% jury trial/moot court/mock trial per U.S. Supreme Court Rule 5.4_[FN#72] oath to support US Constitution as officers of court becomes fraud on court.

No.23 False advertising institutional policy of ABA governed criteria at 3-year law school juris doctor diploma & no doctor experience.

No.24 ABA-BALCCB policy SSW for SSA to spy by HTSABBT aka Hunted-Targeted-Stalked-Attacked- Bullied-Badgered-Tormented Plaintiff on RCL Pro Se.

No.25 Manipulation & falsification of public records in pell mell fashion each Joined 19-Respondents.

No.26 Joined 19-Respondents willful participating aid & abet sabotage of judicial officers continuing with U.S. Magistrate Jeremia C Lynch then piled on by all others as stare decisis demands.

No.27 Joined 19-Respondents paid \$1,228,413_[FN#42] or promised: to commit civil torts to be juror referred for public prosecution as participants to aid & abet fraud on the court as lawyer-officers of court & 4-diverse of citizenship names.

No.28 Joined 19-Respondents 15 of which (79%) are Lawyers subordinate to rules of procedure all substantive guidelines as guard rails that trump hearsay third party precedent/stare decisis/judge made case "studies" (3rd party) case "law" (first party requiring primary source verification phone number, e-mail addresses for live fact witness t testimony for rebuttal & impeachment. A first year law student knows one cannot use inadmissible evidence in court.

No.29 Joined 19-Respondents act under the color of law to further enslave RCL Pro Se, John Q. Public, Alice Average Citizen with prevarications (lies) build into hearsay precedent.

No.30 For actual fraud (MCA§28-2-405) on court as officers of court;

No.31 accessories participate, aid & abet others (MCA§25-7-103) issue of fact-to-law as juror verdicts;

No.32 Allow #56-inconsistent claims for relief permit leave to amend complaint Respondents not understand English speaking/reading Fed./MT Civil Rules of Procedure 8(a); 60(b)(3); 15(a)(2); 8(b)(6); 8(d)(3)-&-8(c)(1) is failure by not understanding;

No.33 Green (\$89,828.56) court default: extrinsic fraud (MCA§25-4-103/601);

No.34 Green repetition of libel per se against RCL Pro Se from original Dahoo Case CV 78-67-BU;

No.35 HJRC Justice requires: joined 19-Respondents (79%-Lawyers) to apply U.S. Amendment VII Law Suits' Jury Trial₍₁₇₉₁₎;

No.36 HJRC Justice requires: joined 19-Respondents (79%-Lawyers) to apply Montana Constitution Declared Right Article II § 26 in 100% Jury Trial₍₁₈₈₉₎ verdict_[FN#2 & #16]

No.37 HJRC Justice require all parties (79%-Lawyers) Title of Nobility Amendment aka Missing 13th Amendment₍₁₈₁₉₎.

44.] ICR NGO 15-lawyers complicit-for success to obtain money/property from RCL Pro Se/taxpayers by deceptive means lawyer-industrial complex inadequately trained: Jeremia C. Lynch & District Judge Brian Matthew Morris,⁸⁸ with Jeffrey Wade Dahood with Wade J. Dahood⁸⁹ (Yale & Harvard yet to verify) conflict of interest is bad governance.

ONE PRAYER-FOR-RELIEF-AMEND-COMPLAINT: MINISTERIAL RULES OF PROCEDURE
RCL Pro Se parent Case "A" petitioner is uniformly supported by opposition of Jeffrey Wade Dahood ("JWD") Joined Respondent Pro Se's 26-falsehoods itemized verbatim herein from April 6, 2018 Missoula hearing for dismissal & Montana Department of Revenue: Merna Green's court default \$89,828.56 properly preceded by clerk's default.

"Unprepared & arrogant (U.S. Magistrate) Judge JC Lynch stated in eight (8) separate occasions numbers from multi-hundred thousand dollars, to \$440 thousand upwards to \$500,000, nearly half a million dollars as quoted from the transcript. This is a 457-percent change from \$500,000 to \$89,828.56. This is well above the 10% professional legal variance to prove fraud on the court by lawyer-officers of the court (attached discussion Exhibit A-3751)... doc.65 page 23-24 of 51 Part III in affidavit, appendix.

This serves an "Ultimate Consumer Harm" by Joined 19-Respondents impact, up-from-five-original-Defendants Federal/Montana Rule Civ.P. 19(2)...*the court must order that the person be made a party to uniformly give justice allowing: RCL Pro Se leave to amend complaint co-signed by competent lawyer: satisfying 2-judges for 100% JTV-DP-R_[FN#2] pray to complete jury trial process at end of first trial phase before Nov. 15, 2022 allowing time for the 2024-Election-cycle. The*

⁸⁸ U.S. Magistrate Jeremiah C. Lynch, (1976 JD-Missoula, U of M) Missoula U of M law school. Compensation Job Recruiter \$80,000-\$120,000. Unknown actual. Appt. June 10, 2006 and Art. III U.S. District Judge: Brian Matthew Morris, (1992-Stanford Law) Appointed 2013 aka "Judicial Keystone Kop" (WSJ, 11-13-18) pipeline.

⁸⁹ Jeffrey Wade Dahood (2006) University of South Dakota School of Law, Vermillion, South Dakota J.D. 2005, undergraduate Montana Tech, Butte, Montana B.S. 2001 Business Information Technology. Moot Court/Mock Trial-jury trials are not core courses to obtain juris doctor diploma. And Father, Wade J. Dahood University of Montana Law School in 1951 where moot court, mock trial are not core courses for JD diploma.

Twombly^[FN#34] U.S. Supreme Court precedent does not apply due to dissimilar fact & issues as civil law jurisdictions apply legislative positivism – a form of legal positivism – which hold legislation is the only valid source of law as voted on democratically; not the judiciary's role to create law, but rather to interpret & apply statute^[FN#25] as does a guard-rail: rules of civil procedure to get 100-percent JTV-DP-R re: sibling Case “B Part I & II” filed by Wade J. Dahoo (“WJD”) Defendant Pro Se: next writ.

As trial court Magistrate with sign-off Judge both: were not “*competitively neutral*” by ABA-BALCCB-NGO sworn to create: “ultimate consumer harm” using willful discrimination, not discretion. Mandamus is for ministerial acts to enforce rules of civil procedure, not requiring discretion. First: for example: opposition JWD Joined Respondent only said he did not understand RCL Pro Se’s complaint. The legal requirement is to admit or deny, not to not understand. Functional illiteracy is no defense re: Federal/Montana R.C.P 8(b)(6) *Effect of failing to deny is admitted other than to amount of damages* concurrent: Second: *Pleading Special Matters a party must state with particularity is no specific denial particular to pleading special matters Ibid Rule 9(2)...* “a party (defendant) must do so by a specific denial which must state any supporting facts that are peculiarly within the party’s (defendant) knowledge as specifically plead in original document 8 complaint: 38-page text & 44-pages of exhibits that total 82-pages in the amended complaint RCL Pro Se itemized: 64-Exceptional Circumstances to allow: leave to amend complaint.

And fourth Ibid 8(d)(3) *Inconsistent Claims ..., a party(Plaintiff) may state as many separate claims order defenses as it has regardless of consistency*: complete: 44-Inconsistent Claims for Relief. All this was followed in live court argument by opponent: JWD Joined Respondent Pro Se who joyfully proclaimed with no interruptions: 26-falsehoods before U.S. Magistrate Lynch in Missoula on April 6, 2018 pursuant verbatim transcript. These 26-falsehoods are about the public records that never

existed. Other than public record transcript verbatim now existing with no destruction by U.S. Clerk.

This respectful argument successfully allows: *leave to amend complaint co-signed by competent lawyer: satisfying 2-judges for 100% JTV-DP-R_[FN#2]*. Purpose to be "competitively neutral" thereby created by HJRC the anti-mafia Justice to stop & remedy the "ultimate consumer harm" by stopping the extension & continuing one-sided sweeping allegations and false assumptions of hearsay-precedent/stare decisis/judge made case study to remedy by correcting these public records before the upcoming 2024 Election governed by hearsay-precedent/stare decisis/judge made case study. This Joint 19-Respondent overreach is old history: legacy from Old England kings, Westminster and Parliament with no written constitution. These Joint 19-Respondents are in wrong country at wrong time keeping with their strategy to "win" by applying antiquated: "primogeniture."

UNSWORN DECLARATION UNDER PENALTY OF PERJURY: 28 U.S.C. 1760

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 28, 2021, & updated June 23, 2021 for U.S. Priority Mail: by

R.C. "Rick" (Richard) Lussy

(June 23, 2021)

R.C. "Rick" (Richard) Lussy Petitioner Pro Se, Decedent Heir, Injured Party & Candidate

Separate documents include:

CERTIFICATE OF SERVICE;

With

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
& IN PROOF OF SERVICE; all timely served to named parties.**