

20-8461

In The  
**SUPREME COURT OF THE UNITED STATES**

Parent Federal Butte Case A: CV-17-79-BU-JCL-BMM: Separate from near identical Sibling Notice of First Lien Not Due Anaconda Montana

**In re: RICHARD C. LUSSY aka R.C. "RICK" LUSSY aka ("Pro Se RCL") Rule 20.2**

**Petitioner Pro Se, Injured Candidate & Appellant.**

**Ninth Circuit Court Of Appeal Last To Rule On Merits Of This Case**

**EXTRAORDINARY WRIT OF MANDAMUS** Original Proceeding Rules 17.1 & 20.1

**REHEARING FOR REMAND: MOTION TO CORRECT CLERK ERROR FRCP 60(a) WITH  
EXTRINSIC FRAUDS BY MCA § 25-7-103 MANDAMUS:  
LEAVE TO FILE A BILL FOR AMENDED COMPLAINT: 4-CAMERAS**

Fed.R.Civ.P 60(b)(3) & (d)(3)Relief of Order-Judgment/U.S. Rule 44.1 Rehearing & 29.2 Service For Rule 33.1(g)(i) Motion.

**APPLICATION AUTHORITY TO: HONORABLE JOHN ROBERTS CHIEF ("HJRC") JUSTICE** Rule 22.1

Rule 14.1(b)(i) & (iii) Proceedings In So Far Applicable  
**(Joined-Respondents-Public Charge Oath Takers (JRPCOT): Obligors To Oath Taken)**

RICK C. LUSSY aka R.C. "Rick" Lussy  
Attorney-In-Fact, For Petitioner Pro Se  
RICHARD LUSSY & ASSOCIATES (Property Appraisers)  
860 Sixth Avenue South, P.O. Box 152, FL 34106  
Phone (239) 263-5413  
E-Mail: [ricklussy@yahoo.com](mailto:ricklussy@yahoo.com)  
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REHEARING-REMAND: MOTION TO CORRECT CLERK ERROR FRCP 60(a) WITH EXTRINSIC FRAUDS  
BY MCA § 25-7-103 **MANDAMUS: LEAVE TO FILE BILL FOR AMENDED COMPLAINT: 4-CAMERAS**

Original proceeding to Hon. John Roberts Chief (HJRC) Justice for his ministerial no discretion:

time treasure & talent as above requiring competitive neutrality by the book: MCA § 25-7-103<sup>1</sup> in 100% Jury Trial Due Process Redress("JTV-DP-R")4-Camera, 2-Judge (Mont. & Fed.), 2-Juror Oaths (group & individual) write jury instructions & verdict form as Pro Se RCL is counsel in this Parent "A" CV-17-79-BU.

**QUESTION FOR ORDER:** HJRC Justice to require Pro Se RCL to: **(i)** fully exhibit case for 2<sup>nd</sup> jury opinion (MCA § 25-7-103) fact-to-law-verdict-issue applying Oath/MOOOF right to petition with due process presenting complete civil case protected by jury verdict. **(ii)** Implement Title of Nobility Amend. aka Missing 13<sup>th</sup> Amend. (1819) with Order to **(iii)** allow "CORRECTION..." to remand back to District Court

CORRECTION BASED ON CLERICAL MISTAKES; OVERSIGHTS & OMISSIONS" FRCP 60(a) to remand back to U.S. Montana District Court case Ms. Lisa Nesbitt Deputy Clerk did not clarify the correction from & to: proper case number **20-8421** (11/22/2021) or case **20-8461** (6/30/21). Proof of Service Jurisdiction is timely per Supreme Court Order List 594 U.S. service: US Rule 44.1 of 25-days after entry **20-8421** (11/22/2021) for postmark (Rule 29.2) on or before December 17, 2021 is consummated on **December 17, 2021**. And/or Supreme Court Order List 594 U.S. 150-days from Judgment Order **20-8421** (11/22/2021) revises due date upwards to April 21, 2022. Thus, proving timely service twice.

QUESTION: "Second bite of the apple" addresses **(a)** US Mandamus Exhibit A-8613 Jan. 11, 2021 letter made *application to Honorable John Roberts Chief Justice* which Clerk erred: "*The Chief Justice took no part in consideration or decision of this petition.*" **(b)** I trust Chief's moderation for remand back.

**(c)** In *United States v. Throckmorton*, 98 U.S. 61 [25 L. Ed. 93], recognized leading US Supreme Court case on extrinsic fraud subject, at page 95 [25 L. Ed.]: "Where unsuccessful party (**Pro Se RCL**) had **no fact no adversary trial or decision of issue(s)** the 91-minute hearing (4/6/18) on 104-inconsistent claims prevented exhibiting fully case, by fraud or deception practiced on him" by successful (**Joined 33-Respondents**) the opponent's claim to not understand US Court form: *pro se complaint injunction with no particularity of issue, which text of the 38-pages or exhibit: 44-page (total 82-page)*. Similar cases show **no real contest in trial or hearing of case** are reasons (**Pro Se RCL**) new suit may be sustained to set aside & [195 Cal. App. 2d 377] annul prior judgment or decree & open case for new & fair hearing" by ministerial order: HJRC Justice with no discretion for order pursuant **MANDAMUS: LEAVE TO FILE BILL FOR AMENDED COMPLAINT: 4-CAMERAS** US Rule 33.1(g)(i).

<sup>1</sup> **MCA 25-7-103 When Issues of Fact are to be decided by jury.** All questions of fact, where trial is by jury, other than those mentioned in 25-7-102 are decided by jury, & all evidence is to be addressed to them, except when otherwise by this code.

[ ] All parties appear in the caption of the case on the cover page.

[ X ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows. Rule 12.4 Joined Parties Public Charge Oath Takers Rule 14.1(b)(3) & Fla. Rule Civ. Pro. 1.170(h) parties)

**Copy To:** Clerk US Supreme Court United States: Scott Harris; **Honorable John Roberts** Chief Justice; **Solicitor General** of United States; **Honorable Greg Gianforte** Governor, State of Montana; **Honorable Tim Fox**, Montana Attorney General Department of Justice.

R.C. "Rick" Lussy ("RICK") **Petitioner Pro Se, Injured Candidate, Appellant**

VERSUS each & every respondent as Pro Se Public Charge to Rule 5.4/MOOOF Oath Takers follow: **Mr. Andre BURKE** Director Over Office of President American Bar Association; Pro se **Abraham Skinner** (R) incompetent 90-yr old, 30-year incumbent Constitutional Office Collier County Property Appraiser; Pro se **C. Christopher Anderson III** FBN352861, Executive Director Fla. Commission on Ethics Lawyer Supremacist; **Byron David Flagg** FBN14311, Florida Elections Commission Investigator, no Investigation FEC 16-245; **John D. Campbell Newton II** FBN 244538, Judge: Division of Administrative Hearings Florida Division of Administrative Hearings (Executive State Branch); **Merna Green c/o Assessor Office** Montana Department of Revenue; **Wade J. Dahood**,<sup>§</sup> Jeffrey Wade Dahood, **KNIGHT & DAHOOD: Law Office & Counsel: Henry Paumie Lussy**, Ms. Roque & Mrs. Bornff; **Jeremiah C. Lynch** U.S. Magistrate (retired 8/2/2019) c/o Kelsey; **Brian M. Morris** (Judicial Keystone Cop: Wall Street Journal) Article III United States Judge; Ninth District Circuit Ct. Appeal Judge **Murguia**, 9<sup>th</sup> Dist. Circuit Appeal Judge **Christen** & 9<sup>th</sup> Dist. Circuit Appeal Judge **Bade**; **John Mudd** Executive Director, Montana Bar Association Trade Union, Non-Gov't Organization; **Amira Fox**, 20<sup>th</sup> Circuit Florida State Attorney; **Susie Krueger** (retired (2021), former Clerk of Court, Anaconda Deer Lodge County (Advised Pro Se RCL not to file DP 18-31); **Ben Krakowka**, Anaconda-Deer Lodge County Attorney; **John Fenniman** FBN106633, 7652 *Personal Representative*: Mrs. Margaret Alpha Buob's Estate; **Stewart R. Hershey** (dead) **Probate Circuit Judge** Estate, heir: Barney Hungerford, Wayne PA (for home lease land: Town of Ocean Breeze Park, Jensen Beach Fla. & Heir Kari with Brother in Norway (home: 2929 SE Ocean Dr., I-9, Stuart FL) Heirs received nothing. Also Barny Hungerford was contacted by **International Green Machine Mafia** to advise Pro Se RCL'S life will never succeed); **James Sopko** FBN 324371 c/o First Union Bank for Mrs. Margaret Alpha

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<sup>§</sup>Pro Se Wade J. Dahood refused before Missoula 4/6/2018 hearing to counterclaim Case "A"CV-17-79-BU as he controls Montana State courts. Dahood did no counterclaim. He filed Case "B"(I-II): not reading Notice of Lien Not Due MCA 71-3-532/71-3-103 predicting lobbying bias to favor himself in mollycoddling Montana State courts. Montana like Florida state lawyers protect gov't lawyer judges so they need not work 40-hour weeks & prohibit 100-percent jury trial verdict due process redress. Therefore, gov't lawyer judges need only go through the motions putting in time. Wade J. Dahood successfully used leverage in CV-78-67-BU to churn-lawyer fee seeking gobblers to spend Henry Francis Lussy (Father) & Richard C. Lussy (#3-son) out of court in simple securities fraud 10-b(5) lawsuit to prove voided \$500,000+/- interest bearing promissory notes. No need to prove marketability. President of First Security Bank "limited partner" Francis R. Bennett fully funded cost overrun problem: construction cost overrun: 60-unit apartment project (Pintlar & Elkhorn). Both litigants: Limited partner(s) Wade J. Dahood & Richard C. Lussy owned 30% stakes in Townhouse Ltd developer. Subsequently sold (unknown price) to *Anaconda Public Housing* by Defendant Bennett & Pro Se Defendant Wade J. Dahood.

Buob's Bank Accounts, after Lucy Luge Vice Pres. c/o Sopko & Copeland, PA; understudy to Sopko: Linda M. Skipper FBN 864020 "Suggestion of Death of Mrs. Buob" July 30, 1999; **Linda Lenartowicz Weiksnar** FBN40487; Court Appointed for Mrs. Margaret Alpha Buob's Physical Person & Property; Robert Eugene Belanger FBN983780 Martin County Circuit Judge; threatened Pro Se RCL with contempt concurrent secret surveillance warrants (former Mgr. State Atty 19<sup>th</sup> Dist.); Theodore Brousseau 31227, Collier County, Not listed ("maybe dead"); Thomas S. Wilson Jr. FBN139907 Miami Dade County (Dead, via obituary); **David J. Glantz**, FBN504238, (retired) Deputy for 3-Florida State Atty Generals Charles J. Crist Jr. FBN362190; William McCollum FBN11233; Pamela Jo Bondi FBN886440 fabricate evidence: self-pardon; Cynthia Georgette **Angelos** FBN539058 (resigned Circuit Judge Martin Cty) now in Law Office; Christine Hissam **Greider**, FBN607177, Senior Judge still serving (retired 1/2020); Walter N. **Colbath Jr.** FBN14659 (Chief Judge with Angelos 2-court reporters), redacted transcript Extrinsic Fraud: destruction of evidence Pro Se RCL v Fineman & 4<sup>th</sup> DCA etc.; Julian I. **Jacobs** (IRS District Court Judge) extensive affidavit-pleadings called letters; Robert **Crown** County Judge Voided Notice for jury trial to benefit John Robert Thompson witness protection program; Arthur Brian **Brandt** FBN112658.

#### Respondents' Part Pro Se

#### **RELATED CASES OF JUSTICIALE EXTRINSIC<sup>6</sup> FRAUDS<sup>7</sup> ONGOING**

Four related cases: 2-direct intrinsic fraud & 2-indirect extrinsic fraud. (1) Related 99.999-percent to this parent Case "A" is to near identical sibling Case "B" Montana State District Court consolidated in

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¶ Extrinsic fraud must be substantial. "it has frequently been said that where the ground for a bill of review is fraud, **review will not be granted unless the fraud was extrinsic**. See **United States v Throckmorton**, 98 U. S. 61. The distinction between extrinsic and intrinsic fraud is not technical, **but substantial**. *The statement that only extrinsic fraud may be the basis of a bill of review is merely a corollary of the rule that review will not be granted to permit re-litigation of matters which were in issue in the case, and are therefore concluded by the judgment or decree*. The classical example of intrinsic, as contrasted with extrinsic, fraud is the **commission of perjury by a witness**. While perjury is a fraud upon the court, the credibility of witnesses is in issue, for it is one of the matters on which the trier of fact must pass in order to read a final judgment. An allegation that a witness perjured himself is insufficient because the materiality of the testimony, and opportunity to attack it, was open at the trial. **Where the authenticity of a document relied on as part of a litigant's case is material to adjudication**, as was the grant in the Throckmorton case, and there was opportunity to investigate this matter, **fraud in the preparation of the document is not extrinsic**, but intrinsic, and will not support review. Any fraud connected with the preparation of the Clarke article in this case was extrinsic, and, subject to other relevant rules, **could support a bill of review**. Per 32-page *Hazel-Atlas Glass Co. v Hartford-Empire Co.* 322 U.S. 238 (1944).

¶ Actual Fraud **MCA 28-2-405 (2021)** **What constitutes actual fraud** within meaning of this part, consists in any of following acts committed by a party to contract or with party's connivance **with intent to deceive another party to the contract or to induce the other party to enter into the contract**: (1) the suggestion as a fact of that which is not true by one who does not believe it to be true; (2) the positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though the person believes it to be true; (3) the **suppression of that which is true by one having knowledge or belief of the fact**; (4) a promise made without any intention of performing it; or (5) any other act fitted to deceive. (**emphasis added**)

unsuccessful: U.S. Writ of Mandamus 21-5300 (*Wade J. Dahood et al*) Part I: DV 18-37/DA 19-577 and & Part II: DV 18-38/DA 19-578 *Ibid* (Henry Paumie Lussy et al *ibid*) on two fraudulent \$76,000 judgements. Part I & II include *counterclaim, with indispensable parties* congruent to Parent Case "A." Now: joined 33-respondents grow need for deep pockets. Litigation issue "A" **First Lien Notice/not due** is in "A" Document #8 pp 61-64 of 82 pages protect Dorothy Helen & Henry Francis Lussy Estate property. The "B" addition of 2-Dahood **First Lien Notice/not due** came after case "A" after solicitation Joint Respondent Ben Krakowka Anaconda-Deer Lodge County Attorney, discussed in "A" U.S. Magistrate JC Lynch 4/6/18 transcribed hearing.

Case "B" undue interference as consistent with A" of State Judge Krueger & Clerk Krueger prohibit Pro Se RCL from speaking on the phone to either. And by toxic poison, no timely filing anything without pre-approval of Judge Krueger via Clerk Krueger, given 7-day US mail express is same as 7-day US first class delivery: from "urban" Fla. to "Rural" Montana "possible" guarantee 100% JTV-DP-R & 4-cameras: "justice".

Related 99.999-percent include denied both: Pro Se RCL v. Fla. Elections Commission: U.S. Supreme Court Certiorari 18-1216 (2D18-55) & denied US Supreme Court Writ of Mandamus 19-481. *International Green Machine/mafia* guarantee to manipulate & falsify public records anytime anywhere a fraudulent \$10,862.50 Judgement created by John D. Campbell Newton II FBN244538 Administrative Judge-just in time for early 2021 Christmas via London & Luxemburg syndicates.

No law & no Jurisdictional Exemption Rule<sup>8</sup> can void US & Montana State Constitutions without

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<sup>8</sup>Jurisdictional Exception Rule. Law includes constitutions, legislative and court-made-law, and administrative rules and ordinances. Regulations include rules or orders having legal force, issued by an administrative agency. Instructions from a client or attorney do not establish a jurisdictional exception. Uniforms Standards of Professional Appraisal Practice ("USPAP") 2020-21 Edition. Exhibit A-8589.

sale or delay: 100-percent JTV-DP-R & 4-cameras: CV-78-67-BU 43-years prove paper scraps. This is corrupt use of public position violate F.S. 112.313(6) denied right to 100% JTV-DP-R with 4-cameras.

Unsolicited recommendation for related, Montana & Florida law issues alike, monopoly/monopsonist gov't lawyer judges mollycoddle their peer American Bar Assn ("ABA") lawyers. While conspicuously intemperately treat non-lawyer Pro Se RCL with hostility. Monopoly gov't lawyer judges refuse to work 40-hours a week; routinely arrive late & leave early daily work & take all of, or ½ Friday off. In addition, judges take off all religious holidays & choice middle of week days that are not vacation-free-from-work national holidays. Pro Se RCL recommends a court efficiency software program to expose & demonstrate this issue. As written by CEO MENSA Naples business owner. A MENSA meeting referral host: Team Sam & Bunny Sewell psychotherapists: [sams@bestselfusa.com](mailto:sams@bestselfusa.com).<sup>10</sup>

Again, parent Federal Case "A" is confused before Writ of Certiorari 19-8360 & after Writ of Mandamus 20-8461 or is it Writ of Mandamus 20-8421 clerk error FRCP 60(a) with no language from... to ... allows case clarity correctness. Petition for no discretion Rule 33.1(g)(i) MANDAMUS.

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<sup>10</sup>[sams@bestselfusa.com](mailto:sams@bestselfusa.com) by team Sam & Bunny (born on Easter) &/or [bunnysam@bestselfusa.com](mailto:bunnysam@bestselfusa.com) phone: 239/591-4565 "Doing Well by Doing Good" is part of their Executive Coaching Curriculum. A referral from Sam Sewell for CEO/CFO in MENSA with a software program to serve as oversight of monopoly gov't employee/court's efficiency performance.

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13, 18 [1] [193 P.2d 728]: "... equitable relief will be denied where it is sought to relitigate an issue involved in the former proceeding on the ground that allegations or proof of either party was fraudulent or based on mistake, but such relief may be granted if the party seeking it was precluded by fraud or the mistake of the other party from participating in the proceeding or from fully presenting his case"; **People v. Egan**, 73 Cal. App. 2d 894, 899 [7] [167 P.2d 766]: "'In this state it is the settled law that a judgment **cannot be set aside because it is predicated upon perjured testimony** or because material evidence is concealed or suppressed. The fraud which is practiced in such cases upon both the court and him against whom the judgment is pronounced is not such fraud as is extrinsic to the record; and it is only in cases of extrinsic fraud that such relief may be had. [Citations.]'"; **Howard v. Howard**, 27 Cal. 2d 319, 321 [1] [163 P.2d 439]: "A party who has been given proper notice of an action, however, and **who has not been prevented from full participation therein, has had an opportunity to present his case to the court and to protect himself from any fraud attempted by his adversary**. [Citations.] Fraud perpetrated under such circumstances is intrinsic, even though the unsuccessful party does not avail himself of his opportunity to appear before the court. Having had an opportunity to protect his interest, he cannot attack the judgment once the time has elapsed for **appeal or other direct attack**"; **Gale v. Witt**, 31 Cal. 2d 362, 366 [1] [188 P.2d 755].

However, an analysis of the various pronouncements quite clearly shows that although the general rules relating to the **[195 Cal. App. 2d 379]** meaning of extrinsic and intrinsic fraud are well settled, the application of them in any individual case requires a close and careful examination of the particular facts in that case. As was said in **Jorgensen v. Jorgensen**, *supra*, page 19:

"The terms 'intrinsic' and 'extrinsic' fraud or mistake are generally accepted as appropriate to describe the two different categories of cases to which these policies of the law apply [citation]. They do not constitute, however, a simple and infallible formula to determine whether in a given case the facts surrounding the fraud or mistake warrant equitable relief from a judgment. [Citations.] It is necessary to examine the facts in the light of the policy that a party who failed to assemble all his evidence at the trial should not be privileged to relitigate a case, as well as the policy permitting a party to seek relief from a judgment entered in a proceeding in which he was deprived of a fair opportunity fully to present his case."

#### **CA-3.) Allegation Concealment by a Fiduciary Is Extrinsic Fraud**

With the foregoing principles in mind, particular attention must be given to the special problem involving those who act in a fiduciary capacity, such as husband and wife. For example, in **Milekovich v. Quinn**, 40 Cal. App. 537 [181 P. 256], **the parties were involved in a fully adversary proceeding**. Negotiations for settlement took place. The wife repeatedly told her attorneys she believed her husband had large values in securities. The husband merely failed to reveal part of the community property. A settlement was reached and judgment entered. In affirming the judgment granting her relief in a later suit to set aside that judgment, the court said, at page 547:

"She does not seek relief from the judgment because it was **based on perjured testimony**, but because she was induced by false statements to enter into a contract out of court by which she was precluded from submitting to the court the very questions which but for the contract would have been submitted to judicial investigation."

## COMMON ALLEGATIONS EXTRENSIC FRAUDS: PERSONAL ANIMUS & MALICE BY JRPCOT

### CA-1.) Common Allegation("CA") Prevented Full Fact-Issues No Adversary Trial Is Fraud or Deception.

United States v. Throckmorton. Where, "by reason of something done by the successful party to a suit, there was in fact no adversary trial or decision of the issue in the case", an unsuccessful litigant is entitled to equitable relief from the judgement thus obtained, or a new trial if the fraud prevented that from happening. In **United States v. Throckmorton**, 98 U.S. 61 [25 L. Ed. 93], which has been recognized as the leading United States Supreme Court case on the subject, it is stated, at page 95 [25 L.Ed.]: "**Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practiced on him by his opponent, as by [citing certain examples:]**

➔ (i) as HPL/Dahood had no power of attorney from Blessed Mother Dorothy; (ii) no personal representative appointment, (iii) random cherry-picked pages of "Revocable Living Trust" were laying around on desk of Wade J. Dahood, yet refused to produce same for Pro Se RCL. (iv) Loose pages show signature *duress* (French: *abus de faiblesse* aka abuse of weakness) of Mother (94.9 yr. old), (v) before 11/9/2015 surprise meeting at Dahood's Law Office the full copy was destroyed: Revocable Living Trust to be Last Will & Testament. The purpose of a Revocable Living Trust is so no one can sell property out from underneath the true owner, parents with no preference policy to all 4-boys; (vi) fabricated evidence (Exhibit A-8306) by attorney Dahood, (vii) all in 91-minute hearing.

➔ These, and similar cases which show that there has never been a real contest in the trial or hearing of the case (Missoula Federal Court hearing 4/6/2018 was 91-minutes that included Magistrate Lynch forgetting the second \$89k Court Green default motion scheduled to be heard), are reasons for which a new suit may be sustained to set aside and [195 Cal. App. 2d 377] annul the former judgment or decree, & open the case for a new and a fair hearing.

### CA-2.) Allegation Extrinsic Fraud grants relief on Judgments, Intrinsic Fraud Does Not.

From the foregoing, it is entirely clear that equitable attacks on judgments that have become final may be based only on extrinsic fraud. Counsel, in their briefs, recognized this, and all of their arguments revolve around the question of what can be classified as extrinsic fraud for which courts will grant relief. In the Throckmorton case the court suggests as examples of extrinsic fraud, being kept away from court by false promises, no knowledge of the suit, being kept in [195 Cal. App. 2d 378] ignorance by the acts of the plaintiff and connivance of attorneys; but these, of course, were not intended to be exclusive, nor to be part of the rule itself. In literally hundreds of cases the courts have laboriously explained how intrinsic fraud may not be used to disturb a prior judgment. Brief examples are found in the following cases: *Dillard v. McKnight*, 34 Cal. 2d 209, 214 [3] [209 P.2d 387, 11 A.L.R.2d 835]: "But the application of the principle of *res judicata* in a given case depends upon an affirmative answer to these three questions: Was the issue decided in the prior adjudication identical with the one presented in the subsequent litigation? Was there a final judgment on the merits? Was the party against whom the principle is invoked a party or in privity with a party to the prior adjudication?"; *Estate of Bialy*, 169 Cal. App. 2d 479 [337 P.2d 511]; *Jorgensen v. Jorgensen*, 32 Cal. 2d

In Taylor v. Taylor, 192 Cal. 71, 79 [8] [218 P.756, 51 A.L.R. 1074], the court said: "If, in the course of a suit for divorce, the parties have agreed upon a certain plan of division of the community property, and the wife, relying upon the false representations of the husband, was wronged in such division, the court in another action will annul the division, and decree another, notwithstanding that the wife and her [195 Cal. App. 2d 380] attorney had, in the first instance, the means of knowing the true state of facts."

In Boulester v. Superior Court, 137 Cal. App. 193 [30 P.2d 59], the wife's practice of fraud in concealing community assets was held sufficient ground to maintain an action on behalf of the husband to set aside the resulting judgment. In Dandini v. Dandini, 120 Cal. App. 2d 211 [260 P.2d 1033], involving a fully adversary proceeding, it was held that the concealment by the husband of the existence of certain community assets was sufficient to support an action by the wife to set aside the resultant decree.

The separate confidential and fiduciary relationships between husband and wife are carefully discussed in Vai v. Bank of America, 56 Cal. 2d 329, 337-338 [15 Cal. Rptr. 71, 364 P.2d 247], where it is pointed out that the fact of the husband's management and control of the community property places him in the position of trustee for his wife as to her community interest, which trust continues even after separation. Even the pendency of a divorce action does not of itself change this situation and it is a part of the husband's duty as possessory trustee to account to her in negotiations for property settlement. Thus, even though the confidential relationship has ceased, **the fiduciary relationship continues for the time that the husband retains control**. As was there said: "The key factor in the existence of a fiduciary relationship lies in control by a person over the property of another." (See also Flores v. Arroyo, 56 Cal. 2d 492, 494-495 [1] [15 Cal. Rptr. 87, 364 P.2d 263].)

#### **CA-4.) Allegation Concealment as Extrinsic Fraud**

In the case at bar, the husband at all times that he retained control of the property in contention, remained a trustee for the wife. In this capacity it was his duty to advise her of the existence of the property. Once he had apprised her of its existence, the question of whether it was, in truth, community property could be litigated, and her opportunity to so litigate it would fully foreclose her from any future attack on a judgment arising from an adversary proceeding. **However, since she never knew of the existence of the property, she never had an opportunity to assert or defend her rights in the action, and his concealment amounted to the type of extrinsic fraud for which equity will grant relief.** His testimony in the trial or his alleged perjury therein is not the fraud upon which the court bases its action, but, [195 Cal. App. 2d 381] rather, the fraud of concealment of the existence of the property before or during the pendency of the action so that the court was never allowed to pass upon the question of her rights. In other words, by his concealment when he was in **duty bound to speak**, she was left in **complete ignorance**, and the ownership of the concealed property was never fairly before the court for adjudication.

The fact that the pleadings in case No. 200221 appear at first blush to be adversary in character does not change the principle set forth in **Vai v. Bank of America, supra, Flores v. Arroyo, supra, and other cases**. It is perfectly apparent that appellant herein simply accepted, without dispute, the allegation of respondent herein. Since she knew nothing of the Trust interest, due to concealment by the fiduciary husband, there was nothing to cause her to inquire further, and such proceeding was not

truly adversary as to such unknown Trust interest. The suggestion has been made in some cases that under such a rule the husband or wife so concealing could never be certain of the future title to the property so concealed. We see no reason in the modern view of property relations between husband and wife, why a person who conceals his or her property from the opposing spouse should be vouchsafed any such certainty. Judgments between those standing in a fiduciary capacity to each other should be based upon revelation to each other of the basic existence of the rem sought to be litigated. If that existence is revealed and title litigated, then the judgment is, in truth, the act of a court in which each party has had a chance to speak on his own behalf on all the issues.

We are unable to find support for respondent in the authorities cited by him. The ruling in *Metropolitan Life Insurance Co. v. Welch*, 202 Cal. 312 [260 P. 545], was based on the fact that the wife in a default case secured a judgment in excess of the relief permitted by her allegations and prayer. There is nothing in the opinion in that case stating that the husband was guilty of fraudulent concealment. In fact, it is indicated that she continued to pay the premiums on a policy of insurance there in dispute. *Rudy v. Slotwinsky*, 73 Cal. App. 459 [238 P. 783], merely reiterates the rule that equity will not grant relief for intrinsic fraud. The case involved a controversy between attorneys as to **whether or not proper notice had been given in the overruling of a demurrer, and the decision was factual**. In *Jorgensen v. Jorgensen*, *supra*, the wife rejected an offer of examination of a list of all property [195 Cal. App. 2d 382] and was not permitted thereafter to reopen the judgment, **there being factually no fraud**. In *Harrold v. Harrold*, 127 Cal. App. 2d 582 [274 P.2d 183], the dispute was over allowance of an income tax credit, the existence of which plaintiff was fully aware at the time of litigation. In *Burch v. Hibernia Bank*, 146 Cal. App. 2d 422 [304 P.2d 212], there was alleged **concealment of matters** of public record relating to bankruptcy proceedings but it did not appear that even if true, the facts alleged would suffice for relief. *Spurr v. Daniels*, 152 Cal. App. 2d 867 [313 P.2d 621], involved a Nevada default divorce decree obtained by the wife, on a complaint which alleged there was no community property. In the cited case there **was no allegation of concealment by defendant or lack of knowledge by plaintiff**. *Hogan v. Hogan*, 131 Cal. App. 2d 281 [280 P.2d 64], involved a judgment in a **previous action to quiet title**, in which false testimony was alleged to have been given and material evidence concealed. The action was wholly adversary and the existence of the property fully known and the rights fully litigated.

We have not herein discussed, nor intended to discuss, the position of innocent purchasers for value nor relief sought under Code of Civil Procedure, section 473, for such matters are not involved in the present case.

#### **CA-5) Allegation Community Property Character of Trust is Extrinsic Fraud**

Respondent makes the additional contention that in any event the Trust cannot be community property. This was not set forth as a ground of motion in the trial court. Appellant, in her opening statement and in her complaint, claimed it to be community property and claimed that there was a **vested interest**. It may well result in the trial of this cause that the evidence will show that the **Trust interest was not, in fact, community property**, or it may appear that she knew, prior to the former action, of the existence of the **Trust interest**, but on the basis of the record before us, we cannot so determine **for we cannot know what the detail of proof will demonstrate. On the basis of the**

record before us, appellant should have been allowed to amend her complaint and the cause should have been tried on its merits.

The judgment is reversed. Griffin, P. J., and Coughlin, J., concurred.

**CA-6.) Allegation is to enforce MCA 3-1-803(1) Disqualification of Judges-All Courts** to which he is a party (U.S. Magistrate JC Lynch (retired) and US Judge B. Morris), or ... he is interested JC Lynch US Magistrate & B. Morris US Judge: manipulated & falsified extrinsic public records for use in the public domain upcoming 2020-2024 public elections. Inevitably become Extrinsic Fraud.

**CA-7.) Allegation Oath Fraud** by state/county actors consistent with Washington & Montana Voter Registration Oath fraud by all JRPCOT aka joined respondents. Jurisdiction includes Pro Se RCL living in Florida.

Pursuant: comity in **Fla. Statute §97.051 Voter Registration Application Oath** "Oath: I do solemnly swear (or affirm) that I will protect & defend Constitution of United States & Constitution of State of Fla., that I am qualified to register as an elector under Constitution & laws of State of (Mont.) & Fla., & all information in this application is true." Exhibit A-3885.

**CA-8-a.) Allegation MOOOF Fraud Rule 5.4 Oath/ministerial<sup>11</sup> oath of office** ("MOOOF") Warranty & Assumption of Risk of Actual Agency in Fact fraud. Similar to **CA-7** oath to defend US & state constitution from domestic ... enemies.

**CA-8-b.) Allegation breached MOOOF oath is breach of public trust** (comity Florida Statute 112.312(3)): by insider trading-attacker International Green Machine/mafia whose job is to buy off opposition to the principal sponsor: American Bar Association ("ABA") a non-government organization ("NGO") needy for secret surveillance warrants ("SSW") governed by lawyer super majority NGO: "on one is above the law."<sup>14</sup>

**CA-8-c.) Allegation the ABA 100-percent market share** "controls" all American society not just the American Judicial System a government enforced cartel illegal by Florida Election Statute 112.313(3). Doing Business with Own Agency.

**CA-8-d.) Allegation** pursuant Exhibit A-8589: Property Appraisal Foundation **Jurisdictional Exception Rule**: what the lawyer said is to be omitted. Given nine Florida County Property Appraisal 1988-92-96-00-04-08-12-16-2020 retrospective elections: now face a future in real time.

**CA-9.) Allegation that Twombly as inadmissible hearsay evidence is an extrinsic fraud aka Bell Atlantic Corp. v. Twombly 550 U.S. 544 127 S. Ct. 1955**) as sole authority to this case. Known: *stare decisis*/precedent/judge made case studies (3<sup>rd</sup> party no RCL subject in caption) is not law. It is not a

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<sup>11</sup> Ministerial (16c) involving obedience instead of discretion Black's Law Dict. 10<sup>th</sup> Ed (2014) page1146.

<sup>14</sup> Newly sworn Ms. Amy Coney Barrett new ninth U.S. Justice of Supreme Court: "No one is above the law."

rule of common law-civil procedure. It is not a substantive guide rule. Pro Se Joined Respondent U.S. Magistrate JC Lynch boasted "*Unsuccessful party could not get ball across goal line,*" requires juror verdict MCA § 25-7-103 drifted into unsworn & no good behavior testimony: 91-minute hearing April 6, 2018, transcript of 66-pages.

- Twombly is hearsay in this instance as Pro Se RCL is not in the caption for live testimony.
- Twombly is unlawful MCA §28-2-701<sub>[FN#1]</sub> per tort/civil legal positivism.<sup>15</sup>
- Should criminal law procedure want to include Twombly is a different concern.

**CA-10.) Allegation competence fraud. Duty to disclose acquired competence<sup>16</sup>** by association mollycoddling from the bench gov't lawyer judge. Relevant 100% JTV-DP-R with 4-cameras/moot court/mock trial; Education of *juris doctor* with or without doctor experience by prior disclosed public publication; functional literacy-skill of fitness for Montana State & United States knowledge to speech communicate.

**CA-11.) Allegation Fraud upon the Court<sup>17</sup>**<sup>18</sup> Florida Rule of Civil Procedure 1.540(b), applicable to family court proceedings pursuant to Florida Family Law Rule 12.540, permits a party to bring an independent action to set aside a judgment for *fraud upon the court after* one year from the final judgment. **Fraud upon the court has been defined as extrinsic**, not intrinsic, fraud. *See DeClaire v. Yohanan, 453 So.2d 375 (Fla.1984); Gordon v. Gordon, 625 So.2d 59 (Fla. 4th DCA 1993).*

**CA-12.) Allegation prohibit British Affiliated Registry ("BAR")** in American gov't judge jobs, pensions for life. 18 U.S. Code § 953 Private correspondence with foreign governments (Logan Act).

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<sup>15</sup> **METHOD: Civil Litigation is Short-&-Brief, Criminal Litigation Long for *stare decisis*-stings.** "By contract, decisions in civil law jurisdictions are generally very short, referring only to statutes, not very analytical, & fact-based. The 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 & apply statute, & therefore their decisions must reflect that." Source: "Contrasting role of case law in common law, civil law & mixed systems". Wikipedia-free-encyclopedia p12 thru 26. (emphasis) ProSeRCL comment: Hence, 43-years of *status quo* *stare decisis* sting operation(s) have been incorrect with no required objective grid analysis for apples to apples direct comparison, fact & issue direct comparison for 100-percent JTV-DP-R & 4-cameras.

<sup>16</sup> **Competence** or disclose plan to acquire competence thru mollycoddling of presiding monopoly government lawyer judge-justice. i.e. **Competency Rule** (2020-2021) The Appraisal Foundation, Uniform Standards Professional Appraisal Standards ("USPAP") Being Competent An appraiser must determine, prior to agreeing to perform an assignment, ...to complete assignment competently. (USPAP 2020-2021, P11 LL318-325).

<sup>17</sup> "Fraud On The Court By An Officer Of The Court & Disqualification of Judges, State & Federal" [www.ballew.com/bob](http://www.ballew.com/bob), Exhibit A-3751 (3-pages).

<sup>18</sup> **Fraud on the court** (1810) In a judicial proceeding, a lawyer's or party's misconduct so serious that it undermines or is intended to undermine the integrity of the proceeding. Examples are bribery of a juror and introduction of fabricated evidence. (emphasis) **Blacks Law Dictionary 9<sup>th</sup> Edition**, 2009, page 732.

British Affiliated Registry ("BAR") is prohibited Titles of Nobility Amendment ("TONA") aka (1819) Missing Thirteenth Amendment would replace lawyer judges in gov't (discrimination oath) with Members of Appraisal Institute (MAI & SRA) (non-discrimination oath). TONA text is on page 1.

**CA-13.) Allegation "BAR" British Affiliated Registry ("BAR") Gov't Lawyer Judges prohibit competitive neutrality, & refuse 100-percent jury trial verdicts/moot court/mock trial education or else Pro Se RCL would have had 100% JTV-DP-R with four-cameras already.**

**STATEMENT OF CASE** Dry Fact Time Line:

RECAP → (6-\**intrinsic actual frauds for 100% JTV-DP-R & 4-cameras by MCA § 25-7-103*) [FN#1]  
\*(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 L19-23transcriptCV-17-79-BU-BMM-JCL.

1978: CV-78-67-BU<sup>19</sup><sup>20</sup><sup>21</sup><sup>22</sup> RCL v. Pro Se Wade J. Dahood after he fired Jim Purcell Butte Lawyer.  
1980: Wade J. Dahood("WJD")-Henry Paumie Lussy("HPL") under oath for (2021) \$76,000X2 judgment Lawyer fees. WJD claimed he never had any personal dealings with Pro Se RCL. Yet, both Mr. Wade J. Dahood & Richard C. Lussy were 30-percent owners in 60-unit (Pintlar & Elkhorn Apartments) Townhouses LTD. For which Williams Lanza Kastner & Gibbs is actionable due to a promised a 2<sup>nd</sup> legal malpractice lawsuit<sup>23</sup>

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<sup>19</sup> 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. Townhouses LTD voiding \$500,000+- interest bearing promissory.notes.

<sup>20</sup> CV 78-67-BU case record destroyed: Office Of Clerk United States District court For The District of Montana Tyler Gilman Clerk of Court, Beth Conley Chief Deputy Clerk, February 18, 2015. Dear Mr. Lussy, I regret to inform you that I am unable to supply copies of the documents you requested in Case CV 78-67-BU, as the case file has been destroyed. I apologize for the inconvenience this has caused. Sincerely, Beth Conley Chief Deputy Ph 406-542-7260, FAX 406-542-7272 Courthouse, P.O. Box 8537, 201 E. Broadway, Missoula, MT 59807.

<sup>21</sup> DV-78-12773 caption Wade J. Dahood Esq. Plaintiff versus Henry F. Lussy & Richard C. Lussy Defendants'.

<sup>22</sup> DV 80-41 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 in Anaconda Deer Lodge Cty before prior Dahood employee, presiding Judge Peter Meloy.

<sup>23</sup> Tortfeasor Mark Davidson of medical malpractice law firm Williams Kastner and Gibbs, uncommitted & incompetent.

2007: Happy photo of Blessed Mother Dorothy & Jerry taken by Henry Paumie Lussy ("HPL") Document 8 page 41 of 82. After HPL first moved in. Instead isolated & abused Mom: *duress (Fabus de faiblesse aka abuse of weakness)* to get signatures under duress.

June 6, 2007: HPL returning movie tapes to Pro Se RCL said "*Movies just are not my bag.*" Exhibit A-8527 Doc. 8, P. 72 of 82 Amended Complaint, & wants 50% of 305 Main Street & FF& E.

July 2015: Pro Se RCL ask Henry Paumie Lussy ("HPL") pick up 3-prop. tax appeal forms. He said no.

July 2015 Pro Se RCL phone Merna Green Assessor Office request same for US Mail. She said no.

November 6, 2015 before Mother's funeral HPL left a voice mail for RCL not to come to funeral.

November 7, 2015 Mother's Roman Catholic funeral mass & reception at Holy Family Church Anaconda with Catholic burial in Butte family plot with no Catholic priest, no ministerial courtesy by HPL. Reception at Washoe Theatre movie palace a family courtesy of Jerry Lussy (#4 son).

November 8, 2015 family (HPL & 2-daughters not there) get together at Jerry's daughters new home.

November 9, 2015 am surprise meeting: DAHOOD Law Office stated: "*any living will dies when that person dies*" to sign contested page 65 of 82, doc. 8. A Naples lawyer expert shall impeach. This document denied other 3-boys of their 25% equal share-to-buy-out-others.

November 11, 2015 am HPL 2-daughters drove back Vancouver WA & RCL flew out of Butte to Naples.  
November 8, 2017 RCL filed 1<sup>st</sup> Amended Complaint, Butte Montana.

April 6, 2018 Missoula Fed. Court Hearing of 91-minutes. Document #61 transcript new information: \*(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 (Wade J. Dahood) handled Estate of* \*(5) parties' parents, & \*(6) specifically their mother (Dorothy Helen Lussy). Your Honor. (4/6/2018, page 4, L19-23 transcript CV-17-79-BU-BMM-JCL Spoken by Pro Se Jeffrey Wade Dahood before he served Pro Se RCL with two Montana State complaints having more sway in Montana, now in U.S. Supreme Court Writ of Mandamus No. 21-5300.

US Magistrate JC Lynch's bad behavior demonstrated personal animus toward Pro Se RCL as Rick was prevented exhibiting fully his case, by fraud or deception: i.e. tipping point, Judge Lynch volume reached near screaming while admitting he is rude inferred "contempt of court" to intimidate.

HJRC Justice authority to order remand to In United States v. Throckmorton, 98 U.S. 61 [25 L. Ed. 93], at page 95 [25 L.Ed.]: "**Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practiced on him by his opponent, as by**

→[citing certain examples:] (i) as HPL/Dahood had no power of attorney, (ii) no personal representative appointment from Mother; (iii) random cherry picked pages of "Revocable Living Trust" were laying around on desk of Wade J. Dahood. (iv) Loose pages show signature *duress* (French: *abus de faiblesse* aka abuse of weakness) of Mother (94.9 yr. old), (v) before 11/9/2015 surprise meeting at Dahood's Law Office the full copy was destroyed: Revocable Living Trust to be Last Will & Testament. The purpose of a Revocable Living Trust is so no one can sell property out from underneath the true owner, parents with no preference policy to all 4-boys; (vi) fabricated evidence (Exhibit A-8306) by attorney Dahood, (vii) all in 91-minute hearing.

→These, and similar cases which show that there has never been a real contest in the trial or hearing of the case. (Missoula hearing 4/6/2018 was 91-minutes that included Magistrate Lynch forgetting the second \$89K Court default motion scheduled to be heard), are reasons for which a new suit may be sustained to set aside and [195 Cal. App. 2d 377] annul the former judgment or decree, & open the case for a new and a fair hearing.

May 22, 2018 Pro Se RCL's: "Eleven Exceptions to (JC Lynch) Findings & Recommendations Substantive Procedure, Law & Fact Errors That Judge Brian Morris Is Justified to 100% Throw Out As a double Negative Is An Affirmative: 100% Fraud on Court by Officer of court's Fallible Court Judge Lynch: No-Good Behavior U.S. Article III § 1: Affidavit Affirmative Defense Allow Leave To Amend Complaint & Restatement of (\$89,828.56) (Court) Default." Article III US Judge Morris did not read this affidavit.

Aug. 13, 2018 filed DP 18-31 Formal Procedure Probate Susie Krueger Clerk of Court advised not do.

2018 No. 18-35937 Appeal to 9<sup>th</sup> Circuit Court of Appeal San Francisco, CA. followed by Pro Se RCL Emergency Brief for Sanctions \$1,050 on Dahood Answer for representing Merna Green.

2020: Pro Se Wade J. Dahood also falsely claimed never to have had any personal or business dealings with Pro Se RCL. Yet, both Mr. Wade J. Dahood & Richard C. Lussy were 30-percent owners/investors in 60-unit (Pintlar & Elkhorn) Apartments: Townhouses LTD, See footnotes #166, #167, #168 & #169.

Dec. 13, 2021 Rehearing U.S. Supreme Court: Writ of Mandamus due to Clerk Error FRCP 60(a) to enforce MOOOF Oath of Office Warranty Assumption of Risk etc. et al after Writ of Certiorari due to Writ of Mandamus Clerical Case mix up from (6/30/21) **20-8461** conflict with (11/22/21) (10/29/21) **20-8421**.

#### **OPINIONS BELOW PROCEEDINGS** (3-Attached Ms. Lisa Nesbitt Deputy 6/30/21, 10/29/21, 11/22/21 + photo Mrs. Buob)

*Please note this entire text document has been repeatedly hacked.* Please see first respondent Mr. Andre Burk for American Bar Association in HQ Chicago: for vendors: Target Stalk Attack Bully Badger & Torment ("TSABBT") for 43-years due to TONA (Titles of Nobility Amendment aka (1819) Missing 13<sup>th</sup> Amendment. Of which 33-years were 24/7 intense arrival in Florida: May 15, 1988. This by

changing chronological order, words, numbers & deletions to sabotage clarity after manipulation and falsifying these public records: after court ordered Secret Surveillance Warrants ("SSW") itemized in part the ABA-NGO-ABA International Green Machine/mafia 24/7 wet blanket sting operations. A business of malice, property, lives destroyed that follow manipulated and falsified public records bribed/bought off/threatened monopoly government employees during 9-Florida County Property Appraiser Office Republican Primaries (1988-20). No Democrat to oppose. One exception: Pro SE RCL changed to Democrat over the *Indiantown co-generation power plant tax value*. As that corrupt President of Republicans was a staff lawyer for that client: Power Plant.

Instant case is parent Federal Case A: CV-17-79-BU-JCL-BMM US Montana District: Butte and 9th District Court Of Appeal 18-35947 San Francisco, U.S. Supreme Court Writ of Certiorari 19-8360, then same case: Writ of Mandamus (6/30/21) **20-8461** conflicting with Writ of Mandamus (11/22/21) **20-8421** three copies attached:-Lisa Nesbitt Deputy Clerk.

Parent Case A: CV-17-79-BU-JCL-BMM is near identical to sibling Montana State Case B (Part I & Part II) DV-18-37/DA 19-577 Montana State Supreme Court & DV-18-38/DA 19-578 ibid both with "Notice of Lien not due" against recidivist sour grapes: Pro Se Wade J. Dahood KNIGHT & DAHOOD Law Office: 100% sway with ABA-NGO-ABA peer lawyer judges. Such requires 100-percent JTV-DP-R with 4-cameras for competitive neutrality and court re-play sound and light visuals.

This Federal Montana Case A is complicated with 33-year history nine Florida elections & 43-year history of Montana gov't lawyer judge/magistrate/ Chair Florida Elections Commission Byron David Flagg FBN14311 investigator, refused to investigate & C.C. Anderson FBN352861 Executive Director Commission on Ethics of Florida. All gov't employees refuse Pro Se RCL to sue ABA-Fla. Administrative Judges/private Fla. lawyers impacting 9-Florida County Property Appraiser (Assessor) Elections now into 2024 Election i.e. Florida Elections Commission FEC 16-245(SKINNER) never addressed only FEC 16-357(WOOD) already addressed in U.S. Supreme Court Writ of Certiorari 18-1216 (RCL #2D18-55) Florida Elections Commissioners & Florida Elections Commission: Writ of Mandamus 19-481 Pro Se RCL against Florida Election Commissioners that Pro Se RCL attempt to apply US Constitution written petitions, 100-percent jury trial due process redress with 4-cameras

- While Pro SE RCL is work distracted: 24/7 commercial property appraising his pre paid lawyers Steve Allen Fox, Arthur Bryant, & Mike Tice et al were bought off: RCL lost all.
- 24/7 sabotage 100-percent sponsored by ABA paid with policy of court

mollycoddling their own lawyers opposing Pro Se RCL. The ABA states & affiliates also ordered SSW to sub-contract with International Green Machine/Mafia for 24/7 telephone taps-remote electronic word-number-file elections, physical comings & goings. Also part-take in private bets on loss of elections: force him out of Fla. sabotage text commercial report writing.

1-page Writ of Mandamus November 22, 2021 Case No. 20-8421 Scott Harris, Clerk.

1-page Writ of Mandamus **conflict** 10/29/21 Case No. 20-8421 Scott Harris, Clerk by Lisa Nesbitt on 15-day rule 44.6 rehearing rule applying rule 33.1(g)(i) rehearing: MOTION FOR LEAVE TO FILE BILL OF (one) COMPLAINT: 4-CAMERAS & Jurisdictional Exception Rule: Appraisal Foundation: void lawyer opinions.

1-page Mandamus Writ **conflict** 6/30/21 Case No. 20-8461 S.Harris Clerk, Lisa Nesbitt Case Analyst.

6-page 2/24/21, Respondent Clerk for trial court Judge Lynch/Morris & October 30, 2018 Missoula Clerk Gilman's Judgment In A Civil Case Decision by Court & no jury verdict.

1-page January 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.

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

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

o *Memorandum* (no precedent or oral argument) excl. complaint (doc. 8, 82-pages) document evidence proof by Molly C. Dwyer Clerk 9<sup>th</sup> Circuit Court of Appeal Clerk Progress Docket Index.

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

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 Pro Se RCL Movant After Three Fraud Violations." Cert. of US Mailing 4/1/19.

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

6-pages File 10/29/18, Doc. 66, *Order Adopting Findings & Recommended* by GM Morris trial judge.

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

8-page 4/16/18 Doc. 60 RCL Pro Se: *No Good Behavior 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 juditis (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, toxic, poison, hostile near yelling by U.S. Magistrate Lynch (contempt of court inherent) to bully & intimidate, reaching his "tipping point" few times: "Plaintiff filed his Complaint in this case on ~~Oct. 23, 2017~~ Nov. 8, 2017, following an apparent family dispute over administration of his mother's assets under a revocable living trust (Doc. 1) (Doc. 8) (2)... (3)...(4) (**6-frauds**) Wade J. Dahoo<sup>44</sup> Esq. attorney who "handled" probate Plaintiff mother's estate in state court."

○ Review US Judge Morris did not read, did not understand document 65, (51-page) Eleven Exceptions to Findings & Recommendation Document 63 or cross check facts with transcript hearing that lasted 1 hour and 41-minutes, that which Lynch got facts wrong i.e. Clerk Judgement for \$89,828.56 was not \$440,000 to \$500,000 a belligerent 457-percent change. Anything over 10-percent value difference is grounds for felony & civil malpractice. A juror verdict on intrinsic frauds.

66-page *April 6, 2018* Document 61, Missoula court hearing transcript CV-17-79-BU-BMM-JCL.

Filed 11/8/17 Doc. 8, 82-page amended complaint: 2<sup>nd</sup> juror verdict on 1<sup>st</sup> Lynch orders bias favor ABA anti-American discrimination policy favors member lawyers/Dahoo's fee churn delay block & stop justice 43-years re: CV 78-67-BU<sup>45</sup> [FN#173 & #174] gov't lawyer judge(s) compound damages.

○ Bait & switch FROM: boast no estate settlement TQ: scheme to obtain money or property by deceptive means sour grapes of Wade J. Dahoo Defendant Pro Se: CV-78-67-BU paid \$120,000 to Henry Francis Lussy & Richard Charles Lussy TQ: again catch-kill to erase the faces of Blessed Dorothy Helen Lussy, Henry Francis Lussy, Richard Charles Lussy by contrarian Henry Paumie Lussy to falsify public records in jury verdict 2<sup>nd</sup> opinion & referral public prosecution claim "no understanding." The Pro Se RCL recommended problem discovery in: *Operation Remedy* referral of team Sam-&-Bunny Sewell [FN#172] MENSA referral to Naples CEO: oversight court efficiency.

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<sup>44</sup> JRPCOT Pro Se Defendant Jeffrey Wade Dahoo speaking of his father at Missoula April 6, 2018 hearing: (**6-\*actual frauds**) \*(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.

<sup>45</sup> After 43-years 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. Method used is "non-public": prevarications "excused" *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. Lawyer fee seeking control all USA society thru ABA-ABA-NGO with free gov't tax monies: SSW-SSA use to protect selves by mollycoddling. Pro Se Wade J. Dahoo Defendant in CV-78-67-BU fired Butte-Jim Purcell to go back to Pro Se: settled damages for \$120K. After \$500K+/- voided promissory notes. Dahoo Pro Se apparently only had \$120K insurance coverage. Exhibit A-8508 & A-8509 in Appendix. Dahoo requires self-represented-defense in CV-17-79-BU to spend RCL Pro Se out of court again!

## SOLICITOR GENERAL

Rule 29.4(b) requires this office be procedurally served when exceptional circumstances-for constitutional jurisdiction (rule 20.1) of a congressional act is unlawful or questioned "lawful" re: the United States Title of Nobility Amendment ("TONA") aka <sup>1819</sup> "Missing" 13th Amendment as below:

*"If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and 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."*

The Old English have no written constitution and <sup>1215</sup> Magna Carta charter requires a titled class that does not apply to America. Yet, the ABA the supremacist as a cartel new "class" enforced by themselves deny 100-percent JTV-DP-R & 4-cameras for accountability, has gone unchallenged. ABA replication of Magna Carta in USA is still self-administered by emolument<sup>182</sup> as attributed to British Accredited Registry (BAR) the domestic civil law-enemy to US-America Gov't at all levels of society & is governed by what is unlawful MCA 28-2-701.<sup>183</sup>

## **JURISDICTION IS TIMELY: EXTRINSIC FRAUDS WITH MALICE & PERSONAL ANIMUS.**

Ms. Lisa Nesbitt Deputy Clerk (202) 479-3038 decision letter Writ of Mandamus (6/30/21) **20-8461** deputy clerk error Writ of Mandamus (11/22/21) & (10/29/21) **20-8421**, 3-Letters attached. The **20-8421** timely answer post-mark November 9, 2021 before 5pm Naples main post office. This "second bite of the apple" for parent & sibling cases: Fed.R.Civ.P. 60(b)(3)/60(d)(3) Relief by fraud from a Judgment or Order (a) allows "CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS & OMISSIONS" to remand back to District Court Leave to file a Bill For Complaint with 4-cameras. Complies to US

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<sup>182</sup> Emolument n. (15<sup>th</sup> c) Any advantage, profit, or gain received as a result of one's employment or one's holding of office. Black's Law Dictionary 10<sup>th</sup> Edition (2014) page 638,

Supreme Court Rule 29.2 pursuant Federal Rule Civil Procedure 60 Relief from a Judgment or Order

(a) allows "CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS & OMISSIONS" from June 30, 2021 letters attached that denote a misleading clerical mistake from Case No. 20-8461 to now: Case No. 20-8421.

## DAMAGES

Known: Joined Respondents Public Charge Oath Takers ("JRPCOT") seek money or property by deception **pre paid extrinsic frauds** by 3<sup>rd</sup> parties aka *International Green Machine/mafia* that target stalk attack bully badger & torment ("TSABBT") Pro Se RCL as *organized crime* intermediaries HQ in London & Luxemburg: origin court order secret surveillance warrants ("SSW") against Pro Se RCL.

Punitive damages due: **Pro Se RCL'S poverty: inability to override with more money to-lawyers after lawyers accepting bribed-pay offs to fail, the originating client in all-the-same-cases.**

- *International Green Machine/mafia* in Fort Lauderdale Fla. contacted **Barney Hungerford** of Wayne PA (88-years old, 12/2021) in 1989 (heir to Mrs. Margaret Alpha Buob) after visit to **Mrs. Buob** & Rick Lussy in Jensen Beach he told **Pro Se RCL, you will never succeed in this life.** Per SSW-secret surveillance agent ("SSA") contract. All is against law enforcement, regardless: Rick Lussy's life.
- Collective Claim Demand-For Relief \$65 Billion (9-zeros) for compensatory, punitive, costs, fees & attorney pro se fees with justiable fact-to-law issue for juror verdicts MCA § 25-7-103.
- Part Claim Demand-Remedy for (i) each JRPCOT for lying & bad behavior; (ii) Disqualify Magistrate-Lynch & US Judge-Morris; (iii) to impeach the source: of malice hearsay-*stare decisis* sting operation precedent/judge made cases' assaults with-no live fact witness sworn testimony; (iv) jury to enforce Fla. Stat. 768.28(9)(a) Waiver of Sovereign Immunity; (v) Clerk default judgment \$89,928.56 Merna Green Montana Department of Revenue. (vi) Sanction \$1,050 benefit-to-Pro Se RCL's attorney-in-fact fee on Jeffrey Wade Dahood for representing Merna Green at 9<sup>th</sup> DCA. (vii) Juror verdict referral adds RICO & ill-gotten spouse wedding ring & (viii) fact & expert witness testimony against joint 33-respondents lead by ABA, (xi) include 86-Exemptions to Fla. Stat. 68.093 vexatious litigant has became extrinsic frauds on order to benefit Pro Se RCL.
- Miscellaneous, as unknown at present.

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<sup>183</sup> MCA 28-2-701, What Is Unlawful. That is not lawful which is: (1) contrary to an express provision of law; (2) contrary to the policy of express law, though not expressly prohibited; or (3) otherwise contrary to good morals.

## REASONS FOR GRANTING THE PETITION: JOINED PARTIES EXTRINSIC ACTUAL FRAUDS

To reduce pleading to 9,000-words (Rule 33.1(g)(i)) reference below:

**Summarized Authority Extrinsic Frauds:** See → Jurisdictional Exception Rule<sup>209</sup> lawyers-clients ("JRPCOT") in government, in this case must account to 100-percent JTV-DP-R & 4-cameras → CA-1-Prevented from exhibiting fully his case by fraud or deception → CA-2-Extrinsic fraud grants relief, Intrinsic Fraud does not; → CA-3-Concealment by a Fiduciary is Extrinsic Fraud; → CA-4-Case and Concealment is Extrinsic Fraud → CA-5-free public law by public worker: is community property character of (public) trust; → CA-6 Disqualification of Judges in all Courts MCA3-1-803; → CA-7-Oath Fraud Montana-Washington-Florida Voter Registration is Extrinsic Fraud; → CA-8-Oath MOOOF (ministerial oath of office) Warranty, Assumption of Risk Fraud IS Extrinsic Fraud; → CA-9-Twombly hearsay stare decisis/precedent/judge made case studies is Extrinsic Fraud; → CA-10-Duty To Disclose Competence Fraud is extrinsic fraud; → CA-11-Fraud on the Court is Extrinsic Fraud; → CA-12-Entitled BAR Employee(s) in American Government Reference TONA (See Solicitor General page 1) is Extrinsic Fraud; → CA-13-Government Employees & Lawyer Judges Prohibiting Competitive Neutrality of 100-Percent JTV-DP-R & 4-cameras is Extrinsic Fraud.

**1-1) Joined Respondent: Mr. Andre BURKE Director Over Office of President American Bar Association ("ABA") aka ABA c/o Mr. BURKE is also a non-government organization ("NGO") that contracts with third parties aka is affiliated business arrangement ("ABA"). Therefore, the acronym: ABA-NGO-ABA a trade union as a monopoly government enforced cartel: self-enforced.**

**1-a) Allegation Dry Fact: ABA c/o Mr. BURKE** with it's 50-states affiliates & 5-populated territories are not protecting the USA public is an extrinsic actual fraud.

**1-b) Allegation** Has lost all credibility by protecting-mollycoddler of primary joined respondent-participants given preferential treatment: Jeffrey Wade Dahood, Wade J. Dahood, U.S. Magistrate Jeremiah C. Lynch & US. Judge B. Morris that nullifies Pell Mell adversary process is an extrinsic fraud.

**1-c) Allegation:** ibid. is not protecting the USA public, by not including certification curriculum 3-year law schools<sup>210</sup> core course education training 100-percent jury trial verdict due process redress & 4-cameras for juris doctor diploma without doctor experience, is an extrinsic actual fraud.

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<sup>209</sup> Jurisdictional Exception Rule. .... Instructions from a client or attorney do not establish a jurisdictional exception. Uniform Standards of Professional Appraisal Practice ("USPAP") 2020-21 Edition. Exhibit A-8589.

<sup>210</sup> Jeffrey Wade Dahood, Wade J. Dahood, U.S. Magistrate Jeremiah C. Lynch & US. Judge B. Morris law schools with mascots, verification none required as core course for juris doctor diploma. Yale & Harvard where all US Justices graduated from have yet to verify their core course curriculum due to covid forced closing & remote work arrangement.

**1-d) Allegation: ABA c/o Mr. BURKE** is in breach of oath/MOOOF (Ministerial Oath Of Office) Warranty Assuming all Risk in not protecting the USA public per pre-employment as public charge.

**1-a-b-c-d) Authority** ABA-NGO a Trade Union violate F.S. 112.313(3)(6) Doing business with one's same agency, misuse of public position<sup>211</sup> is → gov't enforced cartel that does not follow statutory procedure is an extrinsic actual fraud: Armstrong v. Obucino, 300 Ill 140, 143 (1921). Common allegation "CA" →#1 prevented from exhibiting fully his case by fraud or deception. CA→5 community property character of (public) trust; CA→7 oath fraud voter registration; CA→8 Oath MOOOF Warranty Assumption of Risk.

**1-e) Allegation dry facts: ABA c/o Mr. BURKE.**

- **1-e-i)**ABA-NGO strongest & 2<sup>nd</sup> largest trade union<sup>212</sup> after National Rifle Assn in U.S.A.
- **1-e-ii)**ABA-NGO is briefly described: 100-percent market share; no competition, no consumer freedom of choice, by express omissions, 100-percent concealment as insider traders both sides get paid, the middle party ABA judge is gov't enforced cartel<sup>213</sup> use secret quiet mollycoddling of lawyers.
- **1-e-iii)**ABA-NGO public enforced cartel tax paid salaries,<sup>214</sup> that also sub-contracts with the **Affiliated Business Arrangement** ("ABA") known by many vendors to include the International Green Machine/mafia paid in part by gov't lawyer judge/court ordered secret surveillance warrants ("SSW").
- **1-e-iv)**ABA-NGO secret weapon is secret surveillance warrants ("SSW") for 24/7 service.

**1-e-i to iv) Authority** all CA→1 thru →13 for extrinsic fraud relief from Judgement complies with Federal Rules of Civil Procedure 60(b)(3)/(d)(3).

**1-f) Allegation dry facts ABA c/o Mr. BURKE** use of third parties to sabotage: target stalk attack bully badger & torment ("TSABBT") Pro Se RCL for sponsoring TONA (See Solicitor General Note) is an extrinsic actual fraud.

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<sup>210</sup> **Extrinsic Fraud Fact F.S. 112.313(6) MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position ... ... for political purposes.

**Extrinsic Fraud Fact F.S. 112.313(6) MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position ... ... for political purposes.

<sup>212</sup> ABA-NGO, the number of active attorneys in the United States has increased by 15.2 percent over the last decade, according to the ABA's National Lawyer Population Survey. The total number of lawyers in the United States as of Dec. 31, 2018 was **1,338,678**. Ten years before that, total number was 1,162,124, May 3, 2018. Therefore 1,338,678 lawyers/331,883,986 USA population = .0040335 or .4% population. RCL 6/10/19.

<sup>213</sup> 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.

<sup>214</sup> US tax paid public servant salaries: nine (9) U.S. justices one Chief at \$277,700, add 8-Associate justices 8 X \$265,600 equal \$2,124,800 total nine justices public servant taxes pre-pay = \$2,402,500. Add US Circuit (9<sup>th</sup>) Court of Appeal Judges \$223,700/each. Add 9<sup>th</sup> DCA U.S. Appeal Court Clerk salary \$97,417 within range \$67,836 to \$107,758. Add Jeremiah C. Lynch U.S. Magistrate \$191,000/year & Article III U.S. District Court Judge) Bernard Morris \$210,900 or \$208,000. Add U.S. Clerk of Court District of (Missoula) Montana, *Tyler P. Gilman* Average \$58,313+benefits.

**1-g) Allegation dry fact example ABA c/o Mr. BURKE.** Dry fact subjective word meanings are not exact as numbers in arithmetic. Two malicious secret sabotage examples were two secret complaints under by same case number: (Sept 29, 1993) FPSS #93-071506 re: investigation of abuse, neglect or exploitation in which ABA-NGO-ABA surveillance: Mrs. Margaret A. Buob & Richard C. Lussy were interviewed by Florida Dept. of Health & Rehabilitative Services.

- o Similar ABA-NGO-ABA control Estates of Mrs. Dorothy Helen Lussy & Mrs. Buob att'd Ex.A-8354.

**1-h) Allegation dry facts ABA c/o Mr. BURKE** systemic cover to advise aid & abet contracts with ABA HQ London & Luxemburg: International Green Machine/mafia: boast to manipulate & falsify public records anywhere, anytime by using monopoly gov't money/resources: IRS W-2 & IRS 1099 personnel.

**1-h) Allegation dry facts ABA c/o Mr. BURKE** is a gov't enforced cartel all unto itself a sovereign country that self-administers, self-pardons from existing law Fla. Stat. 768.28(9)(a) by excluding Pro Se RCL with make believe Jurisdictional Exception Rule. Relevant #3 Joined Respondent Anderson.

**1-i) Allegation dry facts ABA c/o Mr. BURKE** responsibility on the USA-national level is to provide guide standards & curriculum to certify 3-year law schools that award the juris bachelor diplomas, upgraded to Juris Bachelor with no known academic curriculum upgrade is maliciously incompetent a clear extrinsic fraud working against the public trust.

**1-j) Allegation-ABA c/o Mr. BURKE: BALCB (bar assn. lawyer cartel behemoth) obstruct-delay-block-to-stop RCL'S petitions is extrinsic fraud.**

**1-k) Allegation-ABA c/o Mr. BURKE is committed to certify incompetence in three-year law schools curriculum-is-certification.**

**1-l) Allegation ABA c/o Mr. BURKE** if monitor Collier County Jail candidates need money desperately i.e. named John Robert Thompson immediate at departure from Collier County jail to Naples 4033 Guava Drive duplex, 1-mail box shared with Pro Se RCL. Thompson immediately started harassing Pro Se RCL as documented. Mafia target stalk attack bullies badgers torments ("TSABBT") Pro Se RCL.

**1-l-i) Sabotage surveillance agent came to church-dinner-Thanksgiving 11/18/21 to meet Pro Se RCL learned purchase 3-computers-in-2-years: Microsoft-Word easy to hack. He, left without eating. Next-work-day-11/20/21-his-mafia-cohort silver rope ring on left thumb, disconnected all wires from Naples-Central-Avenue-public-computer-then moved-to-next-public-computer. A mafia member pledged to ruin Pro Se RCLS life back in 1989: told Barny Hungerford. It is true at age 71 still ruined: no 100%JTV-DP-R & 4-cameras.**

1-m) **Allegation dry facts ABA c/o Mr. BURKE** has enormous gov't power/resources with inadequate training 100% jury trial verdict due process/moot court/mock trial & 4-cameras call theirs 3-year law school diploma juris doctor & no dissertation & no oral exam like Ph.D.

1-n) **Allegation by dry facts ABA c/o Mr. BURKE'S** unofficial lawyer seeking fee policy best description is Seattle Superior Court Judge Horton Smith call free-public-law: "no tickie no laundry"<sup>216</sup> *Successful for him as replacement owner* to Pro Se RCL's loss of residence: 2565 Magnolia Blvd. West (with second street address: 4527 West Raye Street), Seattle WA, 98199<sup>217</sup> to this same presiding Marriage Dissolution judge denied shared joint custody. Spend RCL out of court.

1-o) **Allegation extrinsic fraud dry facts ABA c/o Mr. BURKE** supervision of activities likely within his ABA-NGO-ABA lawyers in all 50-states & 5-populated US Territories. A gov't enforced cartel follow as: (i) lawyer wealth building policies (ii) with 100-percent market share, (iii) no competition and (iv) no consumer freedom of choice (v) is extortion by entrapment-when 24/7 TSABBT'S are applied by International Green Machine/mafia (vi) 24/7 electronic word (vii) number changes, (viii) deletions, (ix) physical comings & goings; (x) sabotage-threaten & bribe/buy off any and all contacts in this life (xi) to stop Pro Se RCL's 71-year old life these 43-years. (xii) Evidence in the record include Exhibit A-4017 (2-page) Sheriff Rambosk (1/18/13) Sworn Statement Report 13-1588 Telephone Tapping fact- & continues to date; (xiii) Sheriff Rambosk (2/18/21) Police Report #21-00011801 remote deletion of whole document Writ of Mandamus Exhibit A-8601; (xiv) Sheriff Rambosk (9/7/21) phone call Incident Report #21-326445, cubicle computer HQ library Exhibit A-8610 (xv) Report #21-326445, continued incident from HQ library Manager "Rose" livid & against RCL, met me at my car ½ block from library front door, before entering into the library with a stern dressing down. Rick, imposing on SSA agent adjacent privacy rights 9/10/21 for quietly asking 2-questions. (xvi) Same SSA International Green Machine/mafia agent as in (xiv, xv, xvi) begging for cash at Shell gas station, not driving a car. Started laughing at rotund black girl behind the cash register & belittled by asking: "***where is your boy friend.***" I did not see this black girl back at work thereafter. (xvii) Exhibit A-8571 Racketeering organized Crime organization to solicit Sex, then threatened Pro Se RCL at Embassy Suits Hilton Hotel Miami; (xviii) 24/7 phone taps; (xix) motor car license plate/3-year renewal tag stolen, no doubt, for later official police punitive action.

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<sup>216</sup> Unsafe At Any Other Word © 2021 pending 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 RCL's house.* His prior inferior condominium residence was in inferior West Seattle. Now in premier neighborhood west most continental USA zip 98199.

<sup>217</sup> 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-with little power & less money to pay for a lawyer. An oriental-from Seattle International District: misdemeanor defendant acted pro se & lost before this same presiding trial judge Horton Smith.

**1-p) Allegation dry facts** ABA c/o Mr. BURKE respondent to substantial extrinsic frauds willful personal animus to Pro Se RCL remedy seeks a civil, well-mannered 100% JTC-DP-R<sup>218</sup> & 4-cameras:

1-p-i) From: Question page ii text short fact extrinsic fraud summary:

In United States v. Throckmorton, 98 U.S. 61 [25 L. Ed. 93], recognized leading US Supreme Court case on extrinsic fraud subject, at page 95 [25 L. Ed.]: "Where unsuccessful party (**Pro Se RCL**) had **no fact no adversary trial or decision of issue(s)** the 91-minute hearing (4/6/18) on 104-inconsistent claims prevented exhibiting fully case, by fraud or deception practiced on him" by successful (**Joined 37-Respondents**) the opponent's claim to not understand US Court form: pro se complaint injunction with no particularity of issue, which text of the 38-pages or exhibit: 44-page (total 82-page). Similar cases show no real contest in trial or hearing of case are reasons (**Pro Se RCL**) new suit may be sustained to set aside & [195 Cal. App. 2d 377] annul prior judgment or decree & open case for new & fair hearing" by ministerial order: HJRC Justice with no discretion for order pursuant MANDAMUS: LEAVE TO FILE BILL FOR AMENDED COMPLAINT: 4-CAMERAS per US Rule 33.1(g)(i): suppression qualifies extrinsic fraud.

**2-) Pro Se Abraham SKINNER** County Appraiser actor appointed incumbent is not protecting the Collier County public. This is an extrinsic actual fraud.

**2-a): Allegation:** made public advertised claims. Refused to publicly support same claims never answered Pro Se RCL in 2016-20 Republican primary elections & take \$154,154 salary to pay pizzo originated in FEC 16-245: an extrinsic fraud.

**2-b-Allegation dry fact** of manipulated & falsified public records directly pertinent to this lawsuit in Montana support in part by Florida & source Seattle's ABA anti TONA policy: *no tickie no laundry*. SKINNER kept in public by lawyers should be removed from (election) polls in comity Florida Statute 104.051<sup>219</sup> for neglect of duties/corrupt acts is an extrinsic actual fraud.

**2-c-Allegations:** incompetent negligent default delegate with no manager oversight Fla. Elections Commission FEC 16-245 on deferred maintenance office operations & hardware, 62+job descriptions, cross training, to correct public records thru maintenance. Recipient's respondent own: FEC-16-357.

- o Skinner no teach field staff sketch-describe property inspected i.e. 700 Big Cypress Rd.
- o Skinner no teach office staff homestead exemption: 7901 Umberto Ct., F.S. 193.155(8).

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<sup>218</sup> One hundred percent Jury Trial, Due Process Redress; Moot Court/Mock Trial are not core/required courses' to graduate from 3-year law school for *juris doctor(s) diploma* with no doctors' experience what-so-ever. This is false & deceptive advertising in the public domain a true text book example of extrinsic fraud.

<sup>219</sup> **Florida Statute 104.051 Violations: neglect of duty; corrupt practices.** (1) Any official who willfully violates any of the provisions of this election code shall be excluded from the polls. ... (2) Any official ....