In the Supreme Court of the United States

No. _____

In Re: Regina Berglass Heisler, individually and as the executrix

of the Succession of Frederick P. Heisler,

Applicant

Application to the Honorable Justice Samuel A. ALITO, Jr.
Circuit Justice for the Fifth Circuit seeking a stay of proceedings in
Bankruptcy Case 20-11509 (E.D. La.)
and further relief as the Circuit Justice or the Court may deem proper,
including (i) *per curiam* consideration of *Rooker-Feldman* principles,
(ii) enforcement of *Caperton v. Massey Coal* and *Henson v. Santander*
and (iii) responding to Justice SOTOMAYOR's question in *Chicago v. Fulton*

RULE 22 EMERGENCY APPLICATION AND FURTHER RELIEF

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SYLLABUS

On April 28, 2017, federal regulators closed First NBC Bank in New Orleans ("FNBC"), a $1 Billion loss to the FDIC. The regulatory gravamen was the use of *"...Nominal Borrowers..."* to create shill loans to conceal the collapsing level of FNBC's assets. In the criminal cases that followed, Regina Heisler, a 78-year-old widow with no business or banking acumen, was identified as *"...Nominal Borrower F..."* because she and her family's properties were used by con-artist Gary Gibbs, as set forth in the factual basis for his guilty plea in *United States v. Gary R. Gibbs*, 20-CR-60 (Doc. 19) Exhibit A[1]. On May 10, 2017, long-time family lawyer Henry Klein, recalling RTC, met with liquidators to pay $600,000 legitimately owed by the Heislers, only to be told that the debt was $9.8 million, bloated by Gibbs' criminality. Gibbs, described as *"...Borrower 1..."* bilked FNBC out of $125 million using Heisler and other innocents' collateral and awaits sentencing for conspiracy to commit bank fraud in the form of a "...note-kiting scheme..." within one bank.

Using false pretenses and promises, Gibbs gained the Heisler family's trust *a-la Bernie Madoff*, duping Regina Heisler into signing notes for millions of dollars she *never* received, capsuled in the September 7, 2019 documentary: *Mississippi Developer Alleged to be Major Player in Loans That Brought Down First NBC Bank*:

> According to Klein, Regina Heisler signed the documents but 'never applied for the loans, never received any of the funds, never provided up-to-date financials, never obtained court approval to pledge succession property and never knew what or why or for whose benefit she was being loaned money by First NBC Bank.' In her civil case, Heisler is trying to keep a $2 million brokerage account, a shopping center and a building at 844 Baronne St. from being seized by Girod LoanCo....a specially-created company that is ultimately owned by TPG Capital, a $100 billion private investment firm co-founded by billionaire James Coulter.

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1 For brevity, only the pertinent portions of voluminous documents are provided.

CHICAGO v. FULTON

For six months, family counsel Henry Klein attempted to find a *non-existent* paper-trail on the bloated debt without avail. On November 13, 2017, FDIC sold Girod LoanCo ("LOANCO") $414,769,266.88 in secured debt, including $600,000 legitimately owed by the Heislers. Regina Heisler fought as long as possible until August 27, 2020, when she filed for bankruptcy protection at Docket No. 20-11509, *pro* se[2]. LOANCO's pre-petition seizures, however, are still *vigorously* contested and have *not* yet been concluded, presenting the issue addressed by Justice SOTOMAYOR in *City of Chicago v. Fulton*[3]. Two factors elevate this case to answering the concurrence as follows:

- ❑ In *Chicago v. Fulton*, the repo-seizures were legal; in *Girod v. Heisler*, all seizures were (i) illegal, (ii) unconscionable and (iii) the fruits of the poisonous tree[4].

- ❑ In *Chicago v. Fulton*, the *passive* creditor was a custodian of the vehicles, keeping the collateral safe; in *Girod v. Heisler*, the *ruthless* vulture-creditor (LOANCO) is passing the spoils of seizure to another vulture, Girod REO, LLC ("REO"), certain to have sent the money to the Cayman Islands before LOANCO's $7,869,608 proof of claim ("POC-3") was *ever* vetted[5].

SEVEN-DAY THREAT LOOMIMG

Without a protective stay, vulture-creditors LOANCO and REO have given Regina Heisler until 5:00 p.m. September 22 to save her house, letting LOANCO keep $15 million her late husband left the family. ***A complete surrender by a family in mental collapse.***

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2 LOANCO has tied up all assets and income sources other than Heisler's Social Security.

3 Supreme Court case citations will be omitted in the text, but provided in a separate list.

4 The expression comes from two great jurists: Justice Oliver Wendell HOLMES in *Silverthorne v. United States* and Justice Felix FRANKFURTER in *Nardone v. United States*.

5 This Court denied Cert in 20-1361 before *Chicago v. Fulton* issues ripened, *infra*.

SPECIFIC QUESTIONS SUPPORTING AN EMERGENCY STAY

Q. Should this Court stay the bankruptcy trustee and LOANCO from engaging in acts "...to create, perfect, or enforce [a] lien against property of the estate..." and to proceed unabated "...to collect, assess, or recover [three claims against Regina Heisler] that arose prior to bankruptcy proceedings..." while LOANCO's proof of claim ("POC-3") — allowed August 13, 2021 — is appealed to the district court?

Q. Does the mid-bankruptcy lifting of the stay so LOANCO could enforce three *pre-petition* claims mandate an order *prohibiting* further acts to perfect or enforce a lien against property of the estate or collect debt before LOANCO's $7,869,608 POC is finally decided in a due process setting?

POST-STAY ENFORCEMENT OF PRECEDENT

After a stay is restored, enforcement of this Court's precedent should follow:

[1] LOANCO's violation of Louisiana's Door-Closing statute[6] as an OWNER of debt as opposed to "...a debt collector for others..." per *Henson v. Santander*;

[2] The rank violation of *Caperton v. A. T. Massey Coal* where the foreclosing judge, compromised by $47,500 in campaign contributions from sources tied to LOANCO and LOANCO's lawyers prohibited Heisler's counsel from filing pleadings without his prior approval[7]; and

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6 **R.S. 12:1354(A). Transacting business without authority**

No foreign limited liability company transacting business in this state shall be permitted to present any judicial demand before any court of this state unless it has been authorized to transact such business, if required by this Chapter.

7 Ducote for [Louisiana Supreme Court] Justice, July 17, 2019, *Scott Schlegel's Funds*, Exhibit B. The *unprecedented* actions were prominent in Heisler's Cert Petition at 20-1361.

[3] The fact that Regina Heisler did *not* receive **ONE RED CENT** from the loans she was duped into signing in the scheme that broke the bank, a fatal flaw to POC-3 left untouched by the August 13 approval *without* evidence.

Nothing happens in a vacuum. The following *exacerbating* factor(s) must be considered to see if this is "...the right case..." to answer Justice SOTOMAYOR's question.

FIRST EXACERBATING FACTOR

Regina Heisler is a 78-year-old widow duped into signing shill loans concocted by confessed felon Gary Gibbs to deceive bank regulators. The nightmare that began May 10, 2017 has *not* subsided. Four years have passed since LOANCO purchased FNBC debt, yet not a scintilla of evidence exists to prove that Regina Heisler received any consideration. The Docket Report in 20-11509 has 415 entries. Yet, seizures have continued unabated.

After LOANCO filed its $7,869,608 proof of claim, Creditor-Klein objected, making POC-3 "...a contested matter..." per Bankruptcy Rule 9014. The bankruptcy court, however, has steadfastly *refused* to hold an evidentiary hearing to test the validity of LOANCO's claim. On December 8, 2020, LOANCO moved to lift the stay to *continue* three pre-petition actions not concluded when Heisler filed bankruptcy, a *Chicago v. Fulton* scenario. On January 18, the automatic stay was lifted, Exhibit C, stripping Heisler of protection deemed necessary by Congress to give debtors a "...fresh start..."[8]. Here, Regina Heisler was only trying to get away from LOANCO. All creditors WILL be paid as soon as LOANCO is expelled pursuant to *Henson v. Santander*, holding that debt OWNERS can't be pampered as "...debt collectors for others...", as Justice GORSUCH wrote for the unanimous Court at Docket 16-349. ***This is and has always been a two-party bankruptcy case gone awry***.

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8 "The principal purpose of the Bankruptcy Code is to grant a 'fresh start' to debtors", Justice SOTOMAYOR, at 593.

SECOND EXACERBATING FACTOR

The mid-bankruptcy lift-stay was based on the proposition that there was no equity in the properties being seized. The "...no equity..." concept presumed that POC-3 was fiscally greater than the value of the collateral. On August 13, 2021, after 11 months of Regina Heisler's imploring the bankruptcy court for a chance to testify, POC-3 was approved "...in its entirety...". The infirm approval declared that **"Klein and Heisler Are Not Entitled to an Evidentiary Hearing"** (emphasis by the bankruptcy court) and found that various orders by state courts were barred by *res judicata* principles. The defense of "...a thing adjudged..." requires evidence. Louisiana law (as any law) requires strict proof. That maxim of law was provided to the bankruptcy court from *Brielle's Florist & Gifts v. Trans Tech*, 74 So. 3rd 833:

> "In the case of an exception of res judicata, the trial court should examine 'not only the pleadings but also the entire record in the first suit to determine whether the second suit is, in fact, barred by res judicata'."

No hearing was held; *nothing* was submitted pursuant to the Federal Rules of Evidence; there is *no* record to measure if *Rooker-Feldman* applies. In this case, *Rooker-Feldman* is a blessing, not a curse. Once stay is granted to stop the unconscionable fleecing, this *is* the right Court to dismiss the ruthless claims *sub judice*. Heisler's FRAP Rule 8(a) Motion and Memorandum, seeking a short stay while a writ was taken to the Fifth Circuit Court of Appeals stated the case in 3 pages based on simple grounds, Exhibit D:

(1) **No money was paid to any Heisler interest on the loans sold to LOANCO;**

(2) **Regina Heisler was *never* given the right to testify she was defrauded;**

(3) **LOANCO did not have the right to file judicial demands in a Louisiana court;** and

(4) **POC-3 was allowed with discovery outstanding on the issue of consideration.**

THIRD EXACERBATING FACTOR: HEISLER'S "...DAY IN COURT..."

"...Access to courts..." (a constitutionally-protected right) means *meaningful* access, *Broudy v. Mather*, 460 F.3d 106 (D.C. Cir. 2006). For months, Heisler *begged* for a hearing to testify that she didn't receive any money from the loans she was duped into signing by Gary Gibbs. While DOJ tightened the noose on the bank-fraudsters, Exhibit E, the bankruptcy court has refused to take a single solemn oath with testimony. On March 10, 2021, the following colloquy took place at a motion-day telephonic conference.

MS. HEISLER: Oh, can I say something, Your Honor?

THE COURT: Sure.

MS. HEISLER: I don't know how any of this can be ruled on when nobody heard from me or my witnesses. And they're taking Girod's word without any input — without any evidence and I don't know how I'm being protected in this. I'm supposed to be protected, and that's not happening. I did not make a loan, I did not get any money. I would like to be sworn in, as I said in one of my letters. ***I would like to be sworn in to tell them I did not receive any money***. And I would also like Eric Lockridge sworn in to say that I did.

THE COURT: Okay

MS. HEISLER: Because he is lying.

THE COURT: Well, this is not an evidentiary hearing...

At a February 24, 2021 telephone conference, the following took place:

MR. KLEIN: I'd like to have a ***hearing***. I'd like to have ***an evidentiary hearing***. I asked for that long ago and I didn't get it. I filed a motion for summary judgment, which is pending. I filed a request for full disclosure,

which is pending. I filed other motions which are still pending against Girod LoanCo. I'm not getting due process in that my lady who got no money whatsoever and we're in a court of equity under Pepper v. Litton, I can't get her out of this attack. Girod, Girod LoanCo, which is a vulture fund that is from out of state that buys debt and tries to collect it for more than it paid. We have the issue of the right of litigious redemption that Mr. Lockridge untruthfully says has been rejected and is now final. None of that is true....I would like your Honor to give me ***an evidentiary hearing*** or deny an evidentiary hearing so I can do what I need to do to take it up...."

THE COURT: I'm overruling the objection [to POC-3] because there's no role for this court to play. The issues have already been decided by other courts of competent jurisdiction.

MR. KLEIN: And you're denying ***my request for an evidentiary hearing***?

THE COURT: YES.

Further argument on March 10 cemented due process violations:

MR. KLEIN: Judge, I don't understand how a person can be subjected to the criminality at First NBC Bank. I don't understand how a person who had no idea what she was doing and signed a bunch of notes under very suspicious circumstances can lose $15 million. She got nothing. This is a court of equity. Pepper v. Litton says that a bankruptcy court is a court of equity....This is one of the ugliest cases I've ever seen. This is one of the most inequitable cases I've ever seen. ***This lady did nothing wrong.***

At page 25 on March 10, Regina Heisler spoke up:

MS. HEISLER: I have nothing left. I have my house that I'm living in, and that's it. Plus my daughter is paying all of my bills....In a hypothetical world, none of this would have happened. ***[They are] taking everything.***

THE COURT: All right. I think I've heard enough for today.

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More blanket refusals followed:

03/24/21@ 16:4: I would like to have a ***hearing*** with testimony.

THE COURT: It's ***denied.***

04/14/21@ 13:12: I object to having these issues decided on a motion docket instead of having a ***hearing***, I would like a ***hearing*** on POC-3.

04/21/21@ 13:12: We have not had a ***hearing*** where she could testify that she did not get the money that she's being sued for.

04/21/21@ 28:11 Are we going to have a ***hearing*** on the allowance or disallowance of POC-3?

04/21/21@ 29:2 THE COURT: When it's time for me to schedule ***an evidentiary hearing*** on your proof of claim and Girod's proof of claim, I'll do it, but the time is not now.

06/23/21 @ 15:19 Nominal borrowers are people who are nominal, but not real borrowers. None of this has been vetted and I believe that it would be inappropriate to decide these issues without a ***hearing***, without Your Honor seeing what's known as the demeanor of the witness and deciding who's telling the truth.

06/23/21 @ 20:3 THE COURT: No discovery. We only have discovery if an evidentiary hearing is scheduled. No discovery is to be had until this Court decides whether ***an evidentiary hearing*** is needed.

A CLEAR AND PRESENT DANGER

The case at bar presents a clear and present danger that Regina Heisler will lose $15 million to a vulture fund which will take (or has already taken) her money to the Cayman Islands where neither the money nor the two vultures *a qua* will *ever* be found. Evidence regarding the $108,000,000,000 (billion) TPG conglomerate of vulture funds at 301 Commerce Street in Fort Worth, Texas is Exhibit F[9]. Evidence regarding the LOANCO and REO "...virtual offices..." at 2100 McKinney Avenue in Dallas, Texas, 15th Floor are Exhibits G-1 & G-2. ***None of this fraud has phased any court below***. The case undersigned counsel has developed is ripe for a *PER CURIAM* ruling vacating all of the LOANCO judgments destroying a family of innocents. Judge Schlegel's originating writ of seizure requires the same *vacatur* Justice Benjamin's votes fared in *Caperton*.

IRREPARABLE HARM TRIGGERED BY MID-BANKRUPTCY LIFT-STAY

On January 18, the § 362 stay was lifted so LOANCO could complete its ruthless seizures[10] *before* its $7.9 million POC-3 was vetted. On August 13, POC-3 was allowed *without* evidence and despite the fact that Regina Heisler received **ZERO DOLLARS** from

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9 Undersigned counsel has spent over $50,000 and hundreds or thousands of hours protecting the Heisler family from vulture funds. See, 28 U.S.C. § 1746 Klein Declaration.

10 See, 2009 House Resolution 2932, (still pending) the "Stop VULTURE Funds Act":

> **§ 2. Findings. The Congress finds the following:**
> Vulture creditors usually acquire the debt for the payment of a sum far less than the face value of the defaulted obligation. They do so for the sole purpose of collecting through litigation, seizure of assets, political pressure, or other means. . . . **in amounts far in excess of the amount paid by the vulture creditor to acquire the debt.**

the scheme that spawned *USA v. Gibbs* (20-CR-60), *USA v. Ryan*, (20-CR-65) and a multitude of other criminal actions. To date, no rational basis has been presented for concluding that POC-3 was fiscally greater than the $15 million estate under siege.

FIVE "...SILVER BULLETS..."

On April 8, 2021, Regina Heisler filed a "claw-back" complaint for 4041 Williams Boulevard at Docket 21-724. On July 14, Girod filed a 12(b)(6) motion which included only half of the 373 pages of POC-3. Heisler responded that the motion should be treated as a Rule 56 MSJ and filed a cross-motion based on five silver bullets, all *undisputed* and *indisputable*. A "silver bullet" is an expression for any action which cuts through complexity and provides an immediate solution to a problem. "...one that instantly solves a long-standing problem...", Merriam-Webster Dictionary; same, Cambridge Dictionary; "...something that provides an immediate and extremely effective solution to a given problem or difficulty, especially one that is normally very complex or hard to resolve..." Farlex Dictionary of Idioms, https://idioms.thefreedictionary.com/silver+bullet. The first 3 silver bullets are straight-forward *matters of law* this Court can (and should) *enforce* via Rule 21:

> **Silver Bullet No. 1:** On July 19, 2018, when Girod LoanCo, LLC made a judicial demand in the Civil District Court for the Parish of Orleans in Case 2018-4693, it had not qualified to transact business in the State of Louisiana.
>
> **Silver Bullet No. 2:** On March 12, 2019,when Girod LoanCo, LLC made a judicial demand in the 24th Judicial District Court for the Parish of Jefferson in Case No. 793-014, it had not qualified to transact business in the State of Louisiana.
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> **Silver Bullet No. 3:** Girod LoanCo, LLC did not qualify to transact business in the State of Louisiana until May 27, 2020.

End of story. The Court in *Milburn v. Proctor Trust* made it clear that a foreign corporation cannot wait until it "...got caught..." to qualify retroactively. Fortifying the expulsion of LOANCO from Louisiana courts is *Henson v. Santander*, where Justice GORSUCH made it crystal-clear that a debt OWNER is not a "...debt collector for others..." and gets no "...free pass..." through a state's door-closing statutes, *promulgated to protect the public interest*, a matter of national importance.

Silver Bullet No. 4: POC-3 contains no proof of payments actually having been made on any of the notes presented.

Silver Bullet No. 5: Regina Heisler has never given sworn testimony in any court of law to testify that she was defrauded and received no money.

FOURTH EXACERBATING FACTOR: "...CHILLING..." HENRY KLEIN

Vulture creditors are renowned for ruthlessness. In Heisler's Petition for Mandamus to the Fifth Circuit, Docket 21-30517, a section was devoted to:

FACTS NECESSARY TO UNDERSTAND THE EFFORTS TO "CHILL" HEISLER COUNSEL'S ENTHUSIASM FOR ADVOCATING HIS CLIENT'S CASE

Rather than replicating the character assassination of Henry Klein by LOANCO and its lawyers, the portion of the writ is made Exhibit H. It contains (1) extortionate offers to give the Heislers, Henry Klein and Julie Klein Interiors various "breaks" if the Heislers would "...stop fighting..." and give up the collateral, (2) the *Girod v. Henry Klein* lawsuit filed this June 15 for $300,000+ arising out of a bogus guaranty in 2008, (3) a complaint to the Louisiana Bar Association regarding Henry Klein's accusations against Judge Scott U. Schlegel where the only witness will be GIROD counsel Eric Lockridge, (4) a 305-page Rule 11 Motion for Sanctions pending in the district court and hanging over Heisler counsel's

head and (5) an intimidating demand on Heisler, the Succession and Henry Klein to keep all records from the day Fred Heisler died so LOANCO could seize more assets.

THREATS OF SANCTIONS: THE MOST LETHAL ENEMY OF THE 1ST AMENDMENT

This Court has held that threats of sanctions are the "...most lethal enemies of the First Amendment...", *Keyishian v. Board of Regents*. Realistically, after the October, 2019 threat by Judge Schlegel to hold Heisler counsel in criminal contempt of court if he filed any pleadings without his permission, Regina Heisler's lawyer was "...gagged..." at the outset. The exacerbating factors of (i) extortionate e-mails, (ii) a 305-page Rule 11 Motion, (iii) a complaint to the Bar Association, (iv) a personal lawsuit for over $300,000 in *Girod v. Klein* and (iv) promises of further seizures should seal the LOANCO and REO coffins. At *Wolff v. Selective Service Local Board No. 16*, 372 F.2d 817 (1967), the 2nd Circuit Court of Appeals, citing *NAACP v. Button*, said this:

> "Since it is the mere threat of unconstitutional sanctions which precipitates the injury, ***the courts must intervene at once to vindicate the threatened liberties.***"

FIFTH EXACERBATING FACTOR: HEISLER'S MSJ DISMISSAL

After LOANCO and REO filed a 12(b)(6) Motion in Civil Action 21-724, raising fact issues, Heisler treated it as a Rule 56 Motion for Summary Judgment and filed a cross-motion for Summary Judgment and Declaratory Judgment seeking disallowance of POC-3, Exhibit I[11]. The cross-motion cited compelling precedent from *Broudy v. Mather*, *Wolff v. Selective Service Local Board 16*, *Chambers v. Baltimore & Ohio*, *Henson v. Santander*, *Colorado River v. United States*, *Cohens v. Virginia*, *Caperton v. Massey Coal*, *Liljeberg v. Health*

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11 Exhibit I and this Court's inherent powers to ensure the integrity of the judicial process can end this case mercifully, *Chambers v. NASCO*.

Services Acquisition and *Liteky v. United States*. Inexplicably, none of the law cited meant anything to the courts below. This case has landmark aspects: vulture funding, FDIC recklessness, inept regulators, mockery of ABA FORMAL OPINION 491, unconscionable ruthlessness, bankruptcy fraud, constitutional rights demolished without remorse and one old lawyer fighting a behemoth law firm. Against this, on August 13, *sua sponte*, the district court VACATED Heisler's MSJ submission, declaring that...

> "...[t]he Court does not find it appropriate to convert Girod's motion to dismiss to a motion for summary judgment. . . .on August 10, 2021, Plaintiff filed a motion for summary judgment and for declaratory judgment. Attached to Plaintiff's motion is a notice of submission, setting her motion for submission on September 1, 2021. The submission date with respect to Plaintiff's motion for summary judgment and for declaratory judgment is **HEREBY VACATED** (emphasis by the district court). Accordingly, no opposition need be filed by Girod at this time." (Doc. 68)

The "...no opposition need be filed..." reprieve came three (3) days before LOANCO was to provide *evidence* that Heisler received consideration on the bogus loans she was defrauded into signing. The consequences were significant: on August 27, Heisler's "...claw-back..." actions were dismissed as to the following properties, now owned by REO[12]:

[1] 844 Baronne Street, New Orleans, LA, a $3 million law office vacated by 4 law firms and a small business on April 26;

and

[2] 4041 Williams Boulevard, Kenner, LA, a $9 million ROUSES's anchored shopping center foreclosed during the automatic-stay vacuum created on January 18.

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12 Titling properties in REO was more legal *legerdemain* to move title from one vulture pocket to the other, described next.

STRUCTURE AND ADVANTAGE OF A DELAWARE "TITLING" TRUST

Unashamed, a February 1, 2017 Baker/Donelson publication: *Structure and Advantages of a Titling Trust Program* described a veritable scheme to defraud creditors:

> "A number of states have adopted statutory trust provisions, but Delaware is on the leading edge and has the longest history of successfully using the statutory trust model. One of the principal advantages of the Delaware statutory trust is that one or more sub-trusts may be created within the umbrella of the master trust and assets may be allocated into those sub-trusts. ***Under the Delaware statute, assets allocated to a sub-trust are insulated from exposure to liability of creditors of other sub-trusts or of the general trust.***"

Absent prompt succor by this Court, Regina Heisler will soon lose $15 million to a vulture fund that paid 25 cents on the dollar to become a Debt-OWNER described by Justice GORSUCH in *Henson v. Santander*.

AN EQUITABLE ALTERNATIVE

A stay is where we started. But in the exercise of Circuit Justice ALITO's inherent 28 U.S.C. § 1651 powers or pursuant to Rule 21, this case can end by following the sage guidance from the late Judge Harold Baer, Jr. in *Water Street Bank v. Panama*, 1995 WL55160 (S. D. N. Y. 1995), which provides an equitable alternative:

> "Vulture funds tend to be secretive about their investors. Yet knowing the identity of a litigation adversary is a matter fundamentally essential to defending against the claims made. In *Water Street Bank & Trust v. Panama*, Judge Baer found the plaintiff's steadfast refusal to disclose his human owners unacceptable ***and dismissed the case outright***."

Judge Baer was not alone. In a series of lawsuits regarding the international world of "...private equity investment..." (a polite synonym for vulture funds) which included

Hosking v. TPG Capital Management, L.P., 524 B. R. 488 (2015), Southern District of New York Bankruptcy Judge Martin Glenn exposed silo-structured entities for what they are, documented by the ***New York Times*** thus: ***"Judge's Ruling Offers Peek Into Private Equity's Secret World"***. Regina Heisler's request for a stay pending her appeal of POC-3 is modest. Anything equitably more suitable will be up to Circuit Justice ALITO as he may deem appropriate or as the Court may deem in the best interests of justice per Rule 21.

DENIALS OF STAY MOTIONS

On August 17, 2021, Heisler sought a stay pursuant to FRAP Rule 8(a) in Case 21-724, pending an Application to the United States Court of Appeals for the Fifth Circuit, Exhibit J. Stay was DENIED August 19, Exhibit K. On August 23, 2021, Heisler filed a Petition for Mandamus and for a Stay of all Seizures in the Court of Appeals, Exhibit L[13]. On August 23, 2021, Heisler filed an emergency motion in the Court of Appeals regarding imminent dates, Exhibit M (no exhibits)[14]. On August 24, 2021, the emergency motion was DENIED, Exhibit N.

SUGGESTED LANGUAGE OF STAY ORDER

On September 22, the Trustee will file an Adversary Case to take Regina Heisler's house unless she and all the children sign a surrender agreement this lawyer CANNOT sign. An immediate stay order followed by a ruling dismissing all claims by LOANCO and REO (which don't exist in the United States) will end a heist bigger than the GREAT BRINK'S ROBBERY. The order we seek would read consistently with the focus by Justice SOTOMAYOR (and perhaps the entire Court) in *Chicago v. Fulton* thus (or better):

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13 For the sake of brevity, only the first 15 pages are provided, which include the Appendix of 39 Exhibits included, incorporated herein out of an overabundance of caution.

14 The purpose of providing this exhibit is to show the speed of violations without a stay.

Considering the Application, **IT IS ORDERED** that no further action be taken by any party to seize, sell, liquidate or exercise control over any property of the Debtor or the Debtor's estate until there is a final judgment as to Girod LoanCo's Proof of Claim (POC-3)[15].

MERCIFUL ALTERNATIVE: *CHAMBERS V. NASCO*

If Justice SOTOMAYOR's concurrence in *Chicago v. Fulton* was a search for a "...perfect case to fill the gap...", this is *that* case. The record made below is ample, if not excruciating. But this Court should convert this Application to a Cert Petition and/or exercise its inherent powers to strike judgments gained by "...fraud upon the courts...", as Justice WHITE so aptly put it in *Chambers v. NASCO*, beginning at 43:

> "Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates. . . .These powers are governed not by rule or statute, but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases. . . .This power reaches both conduct before the court and that beyond the court's confines. . . . Of particular relevance here, the inherent power also allows a federal court to vacate its own judgment upon proof that a fraud has been perpetrated upon the court. This 'historic power of equity to set aside fraudulently begotten judgments,' is necessary to the integrity of the courts, **for 'tampering with the administration of justice in [this] manner[16] . . . involves far more than an**

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15 The "...fresh start..." concept Justice SOTOMAYOR mentioned in the *Chicago v. Fulton* is also a fundamental part of the "New Bankruptcy Law" passed by Congress in 2005, the **Bankruptcy Abuse Prevention and Consumer Protection Act of 2005**.

16 The "...this manner..." reference was to the sharp litigation practices by Kean Miller against Henry Klein, intended to "***...reduce [Regina Heisler and her lawyer] to a state of exhausted compliance...***", as stated by Justice WHITE in *Chambers v. NASCO*, at 41:

> **injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public**.' Moreover, a court has the power to conduct an independent investigation in order to determine whether it has been the victim of fraud." (Internal citations omitted).

Unwittingly, undersigned counsel asked Judge Scott U. Schlegel to conduct a *Chambers v. NASCO* independent investigation, denied without a hearing. As later discovered, Kean-Miller sent Judge Schlegel's *moribund* campaign for Louisiana Supreme Court Justice $2,500 three (3) days after a *Henson v. Santander* exception was filed. The contribution swelled the Kean-Miller-related kitty to $47,500.00[17].

JUSTICE FRANKFURTER

In *Chambers v. NASCO*, at 46, Justice WHITE quoted the incomparable Justice FRANKFURTER in *Universal Oil Products v. Root Refining*, at 328 U.S. 580, *viz*:

> "The inherent power of a federal court to investigate whether a judgment was obtained by fraud is beyond question. The power to unearth such a fraud is the power to unearth it effectively. Accordingly, a federal court may bring before it by appropriate means all those who may be affected by the outcome of its investigation, the usual safeguards of adversary proceedings must be observed. No doubt, if the court finds after a proper hearing that fraud has been practiced upon it, ***or that the very temple of justice has been defiled***, the entire cost of the proceedings could justly be assessed against the guilty parties."

> "....the court rejected Chambers' argument that he had merely followed the advice of counsel, labeling him "the strategist," behind a scheme devised 'first, to deprive this Court of jurisdiction and, second, to devise a plan of obstruction, delay, harassment, and expense sufficient to reduce NASCO to a condition of exhausted compliance,'..."

17 All of the supporting evidence was contained in Cert Petition 20-1361. The publication by Richard Ducote, *Schlegel's Funds* (Exhibit B) didn't catch all of the *obvious* contributions.

In the case at bar, this High Court is asked to "...enforce its lawful mandates..." pursuant to its "...inherent power...", a term (or derivation) Justice WHITE used 68 times.

JUSTICE STEPHEN BREYER

In September, 2006, Justice BREYER chaired a report to Chief Justice REHNQUIST, *Implementation of the Judicial Conduct and Disability Act of 1980*. In the course of continued supplications to the bankruptcy court for a due process hearing so Regina Heisler **could tell her side of the story** LOANCO and REO were spinning, undersigned counsel was unhappily forced to file for self-recusal pursuant to 28 U.S.C. § 455(a) as to the bankruptcy judge, who predictably denied the relief, accusing Heisler's lawyer of forum-shopping. This Court should heed the words by Justice BREYER and dismiss all GIROD claims triggered by Judge Schlegel and exacerbated by Judge Grabill. That difficult task should not fall to Regina Heisler's much-beleaguered counsel, but to the ultimate guardian of integrity of the Judicial Branch of Government, The Supreme Court of the United States:

> "The federal judiciary, like all institutions, will sometimes suffer instances of misconduct. But the design of any system for discovering (and assessing discipline for) the misconduct of federal judges must take account of a special problem. On the one hand, a system that relies for investigation upon persons or bodies other than judges risks undue interference with the Constitution's insistence upon judicial independence, threatening directly or indirectly distortion of the unbiased handling of individual cases that Article III seeks to guarantee. On the other hand, a system that relies for investigation solely upon judges themselves risks a kind of undue guild favoritism through inappropriate sympathy with the judge's point of view or de-emphasis of the misconduct problem."

The "...guild favoritism..." occurred at the state and federal level, but should be

ferreted-out by an independent investigation pursuant to *Chambers v. NASCO* after Regina Heisler is restored to her pre-FNBC way of life.

ROOKER-FELDMAN

On September 9 just past, the district court dismissed Heisler's claw-back case, 21-724, on *Rooker-Feldman* grounds. Here, the doctrine is a blessing, not a course. The law is clear: *this* is the Court of Last Resort on Rooker-Feldman and the Circuit Justice is respectfully asked to submit to the entire Court the proposition that this case can end on the record made and on the five "...silver bullets..." available. In the bankruptcy court, the basis for the statement **"Klein and Heisler are not Entitled to an Evidentiary Hearing"** was due to a mis-impression that there was nothing for the bankruptcy court to do. At Wednesday telephonic conferences, each time Klein and Heisler asked for a hearing with testimony, LOANCO and REO counsel argued falsely that all Heisler defenses had been adjudicated by state courts of competent jurisdiction. Not even close. The magic words, "...I offer, file and introduce into evidence Exhibit x..." do not exist in any transcript of motion-day conferences.

Local Rule 9013-1 (G) Matters Requiring Special Setting provides:

> Matters which are not considered routine, and therefore may not be heard on motion day, include, but are not limited to, applications to approve disclosure statements, plan confirmations in chapter 11, and matters requiring (1)the presentation of evidence or (2) oral argument exceeding twenty(20) minutes. Generally, non-routine matters will include the presentation of oral testimony or other evidence, except by affidavit submitted into the record at least seven (7) days prior to hearing. Non-routine matters must be scheduled for hearing by contacting chambers. Each judge may specify the additional limitations or requirements for scheduling requests for relief on motion day by administrative procedures set forth in the Administrative Procedures Manual. The court on its own motion may reschedule a hearing.

On April 21, the bankruptcy court said this:

> "When it's time for me to schedule ***an evidentiary hearing*** on your proof of claim and Girod's proof of claim, I'll do it, but the time is not now."

On June 3, same deprivation of due process:

> "So no discovery. We only have discovery if an evidentiary hearing is scheduled. No discovery is to be had until this Court decides whether ***an evidentiary hearing*** is needed."

TOTAL RELIEF REQUESTED FROM THIS COURT

Imprimis, the stay which disappeared on January 18 this year must *reappear*. On Wednesday, September 22, the Trustee, at the sinister behest of LOANCO and REO, will file an adversary action to force Regina Heisler to turn-over her house, a family fishing camp, some worthless land, two Jet-Skis, a small boat and all her jewelry. That offer will disappear at 5:00 p.m. sharp on September 22. Girod, which purchased FNBC debt for pennies-on-the-dollar, will get to keep:

- ❑ the **$9 million Shopping Center**, which will pay $150,000 annually to undisclosed investors at the Ugland House until the year 2045;
- ❑ the **$3 million Law Office** with a $500,000 law library "...to die for...", Exhibit O;
- ❑ the **$2.1 million** in the registry of the court in Orleans Parish; and
- ❑ the **$700,000** or more in rents collected after Judge Schlegel signed the infirm writ of seizure that began the thievery.

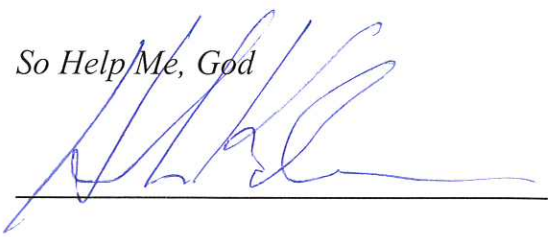
None of these facts are *hyperbole*, inserted by undersigned counsel "...for atmospheric purposes...", as Justice KAGAN described lawyer-penmanship in *Merrill Lynch v. Manning*, 578 U. S. ___ (2016). John Grisham wouldn't sell this as a fictional portrayal of the justice system. Justice FRANKFURTER, whose sage observation in *Offutt v. United States* that

"...Justice must satisfy the appearance of justice..." would be turning in his grave at the sight of a 78-year-old widow fighting a multimillion dollar vulture hiding in the Caymans. By any measure, this case makes a mockery of the **Bankruptcy Abuse Prevention and Consumer Protection Act** (BAPCPA), passed in 2005. As promised, undersigned counsel takes the following oath solemnly:

28 U.S.C. DECLARATION UNDER PENALTY OF PERJURY

I, Henry L. Klein, declare under penalty of perjury, that I am the only author of the pleadings filed in all Heisler cases, state and federal, and that the statements of fact are true and correct without equivocation. I also aver that the fight to save Regina Heisler and her family is principled, not based on money the lady can't pay. In chasing down Girod LOANCO and REO, I have spent over $50,000 to right an unrightable wrong. So declared on this 19th day of September, 2021.

So Help Me, God



Credibility, of course, is paramount in any case. When Creditor-Klein filed POC-4, the bankruptcy court sternly ordered that *only* the Trustee could file pleadings for Regina Heisler, calling Creditor-Klein's pleadings "...thinly-veiled..." attempts to plead for Heisler. as to whom undersigned counsel was allegedly "conflicted". So much so that on March 17, 2021, the bankruptcy court struck pleadings helpful to Heisler, then-*pro se*. Three of Regina Heisler's letters are compelling, Exhibit P. Simply to quell the outcry, Creditor-Klein's POC-4 was voluntarily reduced from **$800,000 to $800**, Exhibit Q. It really doesn't matter. If LOANCO's POC-3 is allowed, no one will be paid.

But if LOANCO's POC-3 is disallowed, everybody will be paid.

CONCLUSION

The collapse of Due Process in this case is incredible. In undersigned counsel's 54 years of litigating complex cases, this is the ugliest, most ruthless case of all. This Court has before it a LANDMARK case touching on a variety of venomous evils. Regina Heisler implores the Court to grant prompt succor in the form of an immediate stay, then take the case and rule on the excruciating record four years in the making. All of this is in response to Frederick P. Heisler's last words before he died: "...take care of the cook...", a tribute to Regina Heisler's culinary skills.

Respectfully submitted,

/s/ Henry L. Klein
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Mandatory Requirements Follow:

INDEX OF EXHIBITS PRESENTED

Exhibit A — Page 13 of the Factual Basis for the guilty plea by Gary R. Gibbs, describing *Nominee Lending* as the ways and means of committing bank fraud;

Exhibit B — July 17, 2019 exposé by Louisiana Supreme Court candidate Richard Ducote, "*Scott Schlegel's Funds*" a *Caperton v. A. T. Massey Coal* issue;

Exhibit C — January 18, 2021 bankruptcy court order **Granting Relief from the Automatic Stay as to** ***[1]*** *Girod LoanCo, LLC v. Regina Heisler, individually and as Succession Representative/Executrix of the Succession of Frederick P. Heisler* and ***[2]*** *Charles Schwab & Co. v. Girod LoanCo LLC and Regina Heisler*;

Exhibit D — Regina Heisler's FRAP Rule 8(a) Motion for Stay and Supporting Memorandum;

Exhibit E — DOJ announcement of Superseding Indictment including the following defendants and the level of their use of *Nominee Lending*:

Gary Gibbs:	$ 123 million
Kenneth Charity:	$ 18 million
Greg St. Angelo:	$ 46 million
Frank Adolph:	$ 6 million
Arvind "Mike" Vera	$ 39 million
Warren G. Treme	$ 6 million
Jeffrey Dunlap	$ 22 million

Exhibit F — Investigative Report sponsored by Henry Klein as to Girod's trail from Montreal, Canada to the Ugland House in George Town, Grand Cayman;

Exhibit G — Investigative Report sponsored by Henry Klein as to LOANCO and REO having no physical presence in the United States, with virtual offices at 2100 McKinney Avenue, Dallas, Texas;

Exhibit H — Excerpt from Petition for Writ of Mandamus to the 5th Circuit Court of Appeals, containing the following subject matters:

I. E-mails Bordering on Extortion
II. Girod LoanCo v. Henry Klein lawsuit
III. Lockridge and the Bar Association
IV. LOANCO's Rule 11 Motion;

Exhibit I — Regina Heisler's Opposition to both Girod Vulture Entities' Motion to Dismiss and Cross Motion for Summary Judgment, stricken from the September 1, 2021 motion calendar, *sua sponte* on August 13;

Exhibit J — Inadvertent duplication of Exhibit D;

Exhibit K — District Court's DENIAL of stay pending Mandamus to the 5th Circuit Court of Appeals;

Exhibit L — Petition for Writ of Mandamus to the 5th Circuit Court of Appeals, requesting Extraordinary and Expedited Relief and for a Stay of all Seizures;

Exhibit M — Emergency Motion to 5th Circuit Court of Appeals informing the court of imminent deadlines prejudicial to Regina Heisler;

Exhibit N — August 24, 2021 DENIAL of Mandamus, Stay and Expedited Consideration;

Exhibit O — Pictures of the "...law library to die for...", abandoned when the Trustee (at Girod's behest?) threatened to change the locks on the law offices at 844 Baronne Street, unceremoniously evicting four law firms and Julie Klein Interiors;

Exhibit P — Three letters from Heisler to Judge Grabill;

Exhibit Q — Henry Klein's voluntary reduction of his POC-4 from $800,000 to $ 800.

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In the preceding text, citations were omitted for ease of reading, now provided:

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CERTIFICATE OF COMPLIANCE

I certify that the Rule 22 Application to Circuit Justice Samuel A. ALITO, Jr. and further relief as the Circuit Justice or the Court may deem proper, including (i) *per curiam* consideration of Rooker-Feldman principles, (ii) enforcement of *Caperton v. Massey Coal*, and *Henson v. Santander* and (iii) responding to Justice SOTOMAYOR's question in

Chicago v. Fulton contains 5924 words using Times New Roman 13-point font.

CERTIFICATE OF SERVICE

I certify that the foregoing Application to Circuit Justice Samuel A. ALITO, Jr. has been served on counsel for Girod LoanCo LLC and Girod REO, LLC on this 20th day of September, 2021 by e-mail.

Respectfully submitted,

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