

SINGLE APPENDIX OF EXHIBITS

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EXHIBIT A

25. On or about March 21, 2016, Ryan, Burnell, and Calloway made false statements and material omissions in **GIBBS**'s loan documents related to, among other things, the purpose of the loan and the source of repayment, causing \$3 million in loan proceeds to be disbursed to one of **GIBBS**'s entities. **GIBBS** then used approximately \$31,000 of those loan proceeds to pay Borrower F's loans.

Nominee Lending

26. Beginning in or around 2011, Ryan, Burnell, Calloway, and **GIBBS** concealed the true purpose of certain nominee loans. Specifically, they falsely stated in loan documents that a given loan was for one borrower's business purposes, when the true purpose of the loan was to pay another borrower's loans and overdrafts. The nominees included Borrower E, Borrower F, and their related entities.

27. Ryan, Burnell, and Calloway submitted loan documents falsely stating that Borrower E was repaying a debt to **GIBBS**. In fact, no such debt to **GIBBS** actually existed, and **GIBBS** was instead obtaining Bank funds by using Borrower E as a nominee. The loan proceeds were transferred directly to **GIBBS** or to his entities, and were, in part, used to pay **GIBBS**'s and his entities' existing debts at the Bank or to enrich **GIBBS**.

28. Ryan, Burnell, and Calloway, and **GIBBS** regularly made payments on the Borrower F's loans to keep Borrower F current. They used funds from new loans that the Bank made to **GIBBS** and his entities. However, many of Borrower F's loans that **GIBBS** paid were not included in **GIBBS**'s financial documents as liabilities.

29. This practice had the effect of falsely understating **GIBBS**'s debt obligations in loans to **GIBBS** and his entities, making them falsely appear to have additional income available to pay new loans. It also kept the loans to the nominees from being downgraded or impaired, even



EXHIBIT B

318 E Boston St, Covington, Louisiana 70433



(985) 898-2755

DUCOTE FOR JUSTICE

A CONSTITUTIONAL REPUBLICAN

UPDATES

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SCOTT SCHLEGEL'S FUNDS

July 17, 2019

SCOTT SCHLEGEL'S SUPREME COURT CAMPAIGN FUNDED BY HUGE TEXAS COMPANY WITH \$\$\$ MILLIONS AT STAKE IN LOUISIANA LAWSUITS. In his July 15 campaign finance report, Scott Schlegel's team disclosed that his campaign took \$25,000 from Texas Brine Co., a large Houston based company involved in many Louisiana lawsuits in which it stands to lose or gain millions of dollars. The \$25K was all paid on July 1, and broken up into 5 payments of \$5K each by Texas Brine and its 4 subsidiaries (all with the same Houston address of 4800 San Felipe Street) to avoid the \$5K corporate contribution limit. Texas Brine is known best for its involvement in the Bayou Corne sinkhole in Assumption Parish which swallowed scores of homes affecting 350 residents, and prompted many of the lawsuits and scores of filings in both the First Circuit Court of Appeal and Louisiana Supreme Court. Just Google "Bayou Corne Sinkhole" for all of it. There is no doubt that much of Texas Brine's fate will be decided by the



Louisiana Supreme Court in a number of appeals. I have attached a partial listing of the appellate activity involving Texas Brine. There is no question that Texas Brine believes that Schlegel is a good investment for them. Why would some Texas outfit otherwise care who sits on the Louisiana Supreme Court? His approving the \$25K campaign contribution is an indefensible and arrogant lapse of ethics and judgment. Imagine watching a Saints game where one team, say the Rams, handpicked the game's ref with \$\$\$\$\$. Would you have any confidence whatsoever in the fairness of any 4th quarter calls in the secondary? I have no opinion about the merits of any of the Texas Brine lawsuits, and will judge them, and every other party in every suit with fairness and integrity. But, whatever anyone thinks of my ultimate decisions, there will be no basis for any worry that I was for sale. Tomorrow I will post more about his campaign finance report. That is why I am not taking one red cent of campaign contributions from anybody. I hope you consider all of this on October 12, and vote for me as your next Supreme Court Justice. Thanks, Richard Ducote FB: Ducote for Justice
ducoteforjustice.com

#ducoteforjustice.com

SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2 IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate loans to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are optional. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Contributor	2. Contributions this Reporting Period		3. Total this Election
	a. Date(s)	b. Amount(s)	
ROSITA U SCHLEGEL 138 Imperial Woods Harahan, LA 70123	06/24/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
HEATHER SONGY 4701 Sheridan Avenue Metairie, LA 70002	07/01/2019	\$250.00	\$250.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
STEPHEN M PETIT JR ATTORNEY AT LAW 801 Oriole Street Metairie, LA 70003	07/01/2019	\$250.00	\$250.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
STERNBERG, NACCARI & WHITE LLC 935 Gravier Street Suite 200 New Orleans, LA 70112	06/26/2019	\$2,500.00	\$2,500.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
KIRK TALBOT 9625 Evelyn Place River Ridge, LA 70123	07/02/2019	\$500.00	\$500.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
TBC SALES & DISTRIBUTION LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
4. SUBTOTAL (this page)		\$13,500.00	N/A
5. TOTAL (complete only on last page of this schedule)			N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES:			
SUBTOTAL (this page)	\$0.00	TOTAL (complete only on last page of this schedule)	

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Report Number: 77429

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SCOTT U SCHLEGEL

SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate loans to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1 Name and Address of Contributor	2 Contributions this Reporting Period		3 Total this Election
	a. Date(s)	b. Amount(s)	
TEXAS BRINE COMPANY LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? <input checked="" type="checkbox"/>	PARTY COMMITTEE? <input type="checkbox"/>		
THE KING FIRM LLC 2912 Canal Street New Orleans, LA 70119	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? <input type="checkbox"/>	PARTY COMMITTEE? <input checked="" type="checkbox"/>		
UNDERGROUND SERVICES MARKHAM LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? <input type="checkbox"/>	PARTY COMMITTEE? <input type="checkbox"/>		
UNDERGROUND STORAGE LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? <input type="checkbox"/>	PARTY COMMITTEE? <input checked="" type="checkbox"/>		
UNITED BRINE SERVICES LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? <input type="checkbox"/>	PARTY COMMITTEE? <input checked="" type="checkbox"/>		
HC WELLMAN, JR 102 Elaine Street Harahan, LA 70123	06/24/2019	\$1,000.00	\$1,000.00
POLITICAL COMMITTEE? <input type="checkbox"/>	PARTY COMMITTEE? <input type="checkbox"/>		
4. SUBTOTAL (this page)		\$26,000.00	N/A
5. TOTAL (complete only on last page of this schedule)			N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES			
SUBTOTAL (this page)	\$0.00	TOTAL (complete only on last page of this schedule)	

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Report Number: 77429

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SCOTT U SCHLEGE

EXHIBIT C

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: CASE NO.: 20-11509
REGINA BERGLASS HEISLER, CHAPTER 7
Debtor SECTION A

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

The *Motion to Lift Stay Pursuant to 11 U.S.C. § 362(d)(2)* (P-135) (the “Motion”) filed by Girod LoanCo, LLC (“Girod”) came for hearing on January 6, 2020 at 1:00 p.m.

APPEARANCES: As reflected in the record.

After considering the Motion, the *Designation of Contested Matter and Request for Expediting Responses to Admissions and Scheduling Deposition* (P-141) filed by Creditor Henry L. Klein (“Klein”), the record of this case including other documents filed by Klein, the applicable law, and the statements of counsel at the hearing, the Court grants the relief requested as follows:

IT IS ORDERED that the Motion is GRANTED as set forth herein;

IT IS FURTHER ORDERED that the stay imposed by 11 U.S.C. § 362(a) is hereby lifted as to the following civil actions pending in state court (jointly, the “Civil Actions”):

1. *Girod LoanCo, LLC v. Regina B. Heisler, Individually and as Succession Representative/Executrix of the Succession of Frederick P. Heisler*, No. 793-014 “D”, 24th Judicial District Court for the Parish of Jefferson, State of Louisiana; and
2. *Charles Schwab & Co., Inc. v. Girod LoanCo, LLC and Regina B. Heisler*, 2018-4693 “N”, Civil District Court for the Parish of Orleans, State of Louisiana.



IT IS FURTHER ORDERED that any filing by a party or ruling by a court in one of the Civil Actions will not violate the stay imposed by 11 U.S.C. § 362(a);

IT IS FURTHER ORDERED that only the Chapter 7 Trustee has authority to file any motions, briefs, exceptions, or other court filings in the Civil Action on behalf of the Debtor, Regina Berglass Heisler, in her individual capacity. Any court filing on behalf of the Debtor in her individual capacity must be made by the Chapter 7 Trustee; and

IT IS FURTHER ORDERED that the fourteen (14) day stay provision provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) shall not apply to this Order lifting the automatic stay.

IT IS FURTHER ORDERED that counsel for movant shall serve this order on the required parties who will not receive notice through the ECF system pursuant to the FRBP and the LBR's and file a certificate of service to that effect within three days.

New Orleans, Louisiana, January 18, 2021.



MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE *
SUCCESSION OF FREDERICK P. HEISLER * No. 21- 724
*
versus * Section E
*
GIROD LOANCO, LLC AND GIROD REO, LLC * Magistrate 2
*

**REGINA HEISLER'S RULE 8(a) MOTION FOR STAY PENDING
APPLICATION FOR WRITS TO THE FIFTH CIRCUIT COURT OF APPEALS**

Regina B. Heisler respectfully moves pursuant to Rule 8(a) of the Federal Rules of Appellate Civil Procedure for a stay or injunction pending her application to the Fifth Circuit Court of Appeals as to the orders entered at Documents 63 and 68. The bases for the request are set forth in the Memorandum in Support. Because it is anticipated that the Court of Appeals will act expeditiously, the request is for a 30-day stay.

Respectfully submitted,

/s/ Henry L. Klein
Henry L. Klein
201 St. Charles Avenue, Suite 2501
New Orleans, LA 70170
(504) 599-5661
henryklein44@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing Motion has been served on all counsel through the Court's electronic system on this 17th day of August, 2021.

/s/ Henry L. Klein
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE *
SUCCESSION OF FREDERICK P. HEISLER * No. 21- 724
*
versus * Section E
*
GIROD LOANCO, LLC AND GIROD REO, LLC * Magistrate 2
*

**MEMORANDUM IN SUPPORT OF
REGINA HEISLER'S RULE 8(a) MOTION FOR STAY PENDING
APPLICATION FOR WRITS TO THE FIFTH CIRCUIT COURT OF APPEALS**

Imprimis, the Order by the bankruptcy court overruling the Objections of the Debtor and Creditor-4 is based on an empty record. Regina Heisler was never allowed to testify, was never given an evidentiary hearing and not one document was introduced into evidence pursuant to the Federal Rules of Evidence. The allowance or disallowance of POC-3 was the entire case. The bankruptcy was a two-party case. The Chapter 7 Trustee and Girod are jointly attempting to collect the \$2.1 million in CDC, making this a matter where time is of the essence. Respectfully, none of the cases pending in Section E should proceed until the 5th Circuit rules. The proposed Order is set for submission September 1, but that may be too late. A separate Motion to Expedite is being filed contemporaneously and the Court is respectfully urged to grant or deny expeditiously. The law requires that the first request must be to the District Court. Regina Heisler seeks relief pursuant to FRAP Rule 8, Subsection A (*a stay of the judgment or order of a district court pending appeal*) and/or Subsection C (*an order suspending, modifying, restoring, or granting an injunction while an appeal is pending*).

Pursuant to 28 U.S.C. § 1651 and FRAP Rule 22, the Court of Appeals can grant the relief sought. The issues to be presented include the following uncontested facts raised at Document 64-2:

- (1) No money was paid to Heisler or Heisler interests on the loans that FDIC sold to Girod;
- (2) Heisler has never been given an opportunity to testify or present evidence that she was defrauded and received no money;
- (3) Girod did not have the right to file judicial demands; and
- (4) POC-3 has been allowed with discovery stayed on the seminal issue of "...consideration..."

The application will be submitted as soon as possible and the Court of Appeals will be asked to act expeditiously. The first two questions are undisputed. The third requests the application of law pursuant to La. R.S. 12:1354(A), Milburn v. Proctor Trust and Henson v. Santander. The fourth question just became "ripe" for consideration pursuant to the applicable law cited in the Motion for Summary Judgment and for Declaratory Judgment. The request is modest, asking only for a 30-day stay. Because the decision to OVERRULE the Objections and ALLOW POC-3 "...in its entirety..." the Court is asked to stay all cases pending in Section E.

Respectfully submitted,

/s/ Henry L. Klein
Henry L. Klein
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New Orleans, LA 70170
(504) 599-5661
henryklein44@gmail.com

EXHIBIT E



THE UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT *of* LOUISIANA

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Department of Justice

U.S. Attorney's Office

Eastern District of Louisiana

FOR IMMEDIATE RELEASE

Friday, January 29, 2021

Grand Jury Returns Superseding Indictment Charging First NBC Bank Executives And A Borrower With Bank Fraud And False Statements

NEW ORLEANS – The United States Attorney's Office announced that a grand jury returned a superseding indictment against **ASHTON J. RYAN**, age 73, of Kenner; **WILLIAM BURNELL**, age 71, of Kenner; **ROBERT BRAD CALLOWAY**, age 60, of Metairie; **FRANK J. ADOLPH**, age 61, of Kenner; and **FRED V. BEEBE**, age 62, of Donaldsonville, for defrauding First NBC Bank, the New Orleans-based bank that failed in April 2017.

According to the 49-count Superseding Indictment, from 2006 through April 2017, **RYAN**, **BURNELL**, **CALLOWAY**, **BEEBE**, and **ADOLPH** conspired to defraud First NBC Bank (the "Bank") through a variety of schemes. **RYAN** was the President and CEO of the Bank for most of its existence. **BURNELL** was the Chief Credit Officer. **CALLOWAY** was an Executive Vice President. **BEEBE** was a Senior Vice President. **ADOLPH** was a borrower at the Bank who was charged with conspiring with the four Bank executives to obtain loans based on false statements and forged documents.

The Superseding Indictment alleges that **RYAN**, **BURNELL**, **CALLOWAY**, **BEEBE**, **ADOLPH**, and others conspired to defraud First NBC Bank by disguising the true financial status of certain borrowers and their troubled loans, concealing the true financial condition of the Bank from the Board, auditors, and examiners. The borrowers included real estate developer Gary Gibbs, real estate developer Kenneth Charity, Bank general counsel Gregory St. Angelo, factoring business owner **FRANK ADOLPH**, hotel owner Arvind "Mike" Vira, contractor Warren Treme, and contractor Jeffrey Dunlap. **CALLOWAY** was Gibbs's loan officer while **BEEBE** worked as Treme's loan officer. **RYAN** served as the loan officer or oversaw the loan officers for all of those borrowers. **BURNELL** approved the risk rating for all of these borrowers' loans and was the gatekeeper tasked with protecting the safety and soundness of the Bank's loan portfolio. Dunlap, Charity, St. Angelo, Vira, Gibbs, and Treme have all previously been charged in individual Bills of Information with conspiring to defraud First NBC Bank. All six of these borrowers are listed in the Superseding Indictment as members of the bank fraud conspiracy with **RYAN**, **BURNELL**, **CALLOWAY**, **BEEBE**, and **ADOLPH**.

During the course of the conspiracy, **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** repeatedly extended loans to borrowers who were unable to pay their loans without relying on loan payments that were current. To hide this practice, **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** made false statements in loan documents and elsewhere about the purposes of loans, the borrowers' abilities to repay the loans,



sources of funds used to pay those loans. When the borrowers were unable to pay those loans, **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** made new loans to these same borrowers and then used the proceeds from those new loans to pay the existing loans. This created the false impression that the borrowers were able to pay their loans, when in fact they would not have been able to pay their loans without going further into debt through new borrowing from the Bank. The new loans prevented these borrowers from appearing on lists that **RYAN** and **BURNELL** gave the Bank's Board each month, which would have highlighted that the borrowers were unable to make loan payments or had cash flow problems. **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** also made false statements about the purpose of those loans, misrepresenting in Bank documents that the borrowers were able to pay loans with cash generated from the borrowers' businesses, when in fact the borrowers were only able to pay those loans with proceeds from new Bank loans. The borrowers often spent the proceeds of these business loans on unrelated personal expenses, including by overdrawing their checking accounts at the Bank, and **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** paid these overdrafts by issuing new loans to the borrowers. This practice kept the borrowers off of month-end overdraft reports to the Board and hid the borrowers' inability to pay their own expenses without new loan proceeds.

For certain loans, **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** included borrower documents in loan files despite knowing that the documents were false. For example, even after **RYAN** and **BURNELL** learned that **ADOLPH** was submitting falsified documents to the Bank to inflate his collateral, **RYAN** and **BURNELL** continued to submit loans for **ADOLPH** that included the false documents. Even though **RYAN**, **BURNELL**, and **CALLOWAY** knew that Gibbs could not pay his loans with cash generated from his businesses, they continued to submit loan documents that included false documents showing that Gibbs's business earned enough cash to pay his loans at the Bank. Likewise, **RYAN**, **BURNELL**, and **BEEBE** submitted loan documents to authorize Bank funds to be loaned to Treme that included falsehoods relating to Treme's creditworthiness and the purpose of the loans.

When members of the Board or the Bank's outside auditors or examiners asked about loans to these borrowers, **RYAN**, **BURNELL**, **CALLOWAY**, and **BEEBE** made false statements about the borrowers and their loans, and left out the truth about the borrowers' inability to pay their debts without getting new loans. As a result, the balance on these borrowers' loans continued to grow. By the time regulators closed First NBC Bank in April of 2017, Gibbs owed the Bank \$123 million; Charity owed \$18 million; St. Angelo owed \$46 million; **ADOLPH** owed \$6 million; Vira owed \$39 million; Treme owed \$6 million; and Dunlap owed \$22 million. The Bank's failure cost the Federal Deposit Insurance Corporation deposit insurance fund just under \$1 billion.

RYAN, **BURNELL**, **CALLOWAY**, and **BEEBE** each received substantial compensation from the Bank during the course of the conspiracy. **RYAN** also received personal benefits from three of the borrower relationships. Vira lent millions of dollars to **RYAN** at the same time Vira was a borrower at the Bank, and **RYAN** and Vira conspired to hide their business dealings from the Board, auditors, and examiners. Treme was **RYAN**'s partner in several businesses and real estate development projects, and **RYAN** used Treme's borrowing from the Bank as a way to spend Bank loan proceeds on **RYAN**'s own projects. Even when parts of **RYAN**'s business dealings with Vira and Treme were revealed to regulators, **RYAN** continued to conceal from regulators that he exercised authority over loans to Vira and Treme. Dunlap was a contractor for a business that **RYAN** and Treme ran, and **RYAN** used loan proceeds from Dunlap's business to benefit his own development project, Wadsworth Estates. **RYAN** never disclosed his business relationship with Dunlap to the Board, auditors, or examiners. **BURNELL** was aware of this business relationship and also never disclosed it to the Board, auditors, or examiners.

"Along with our partners, the FBI has dedicated significant time and resources toward investigating the failure of First NBC Bank, which resulted in nearly a billion dollar loss to the FDIC," stated FBI New Orleans Special Agent in Charge Bryan Vorndran. "We will continue to investigate allegations of fraud by First NBC bank insiders until all those responsible for its failure are identified and brought to justice."

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"Today's indictment sends a clear message that bank executives who engage in fraud that impacts the safety and soundness of financial institutions will be held accountable for their actions," said Stephen Donnelly, Acting Special Agent in Charge, Eastern Region, Office of Inspector General for the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection.

"Today's indictment demonstrates the FDIC OIG and our law enforcement partners will continue to pursue individuals who defraud our insured financial institutions and cause harm to the nation's banking industry," said Anand Ramlall, Special Agent in Charge, Dallas Region, Office of Inspector General for the Federal Deposit Insurance Corporation.

RYAN, BURNELL, CALLOWAY, BEEBE, and ADOLPH are each charged in Count 1 of the Superseding Indictment with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1344 and 1349. **RYAN, BURNELL, CALLOWAY, BEEBE, and ADOLPH** are also charged with multiple instances of bank fraud, as listed in Counts 2 through 37, in violation of Title 18, United States Code, Section 1344. **RYAN, BURNELL, BEEBE, and CALLOWAY** are charged with making false entries in bank records, in violation of Title 18, United States Code, Section 1005, as listed in Counts 38 through 49. For each of the charged counts, the maximum penalties that may be imposed upon conviction are thirty years in prison; a fine of \$1,000,000, or the greater of twice the gain to a defendant or twice the loss to any victim; up to five years of supervised release; and a \$100 mandatory special assessment.

The United States Attorney's Office stated that an Indictment is merely an accusation and that the guilt of the defendants must be proven beyond a reasonable doubt.

This case is being investigated by the Federal Bureau of Investigation; the Federal Deposit Insurance Corporation, Office of Inspector General; and the Board of Governors of the Federal Reserve System, Consumer Financial Protection Bureau, Office of Inspector General. Assistant U.S. Attorneys Sharan E. Lieberman, Matthew R. Payne, Nicholas D. Moses, J. Ryan McLaren, and K. Paige O'Hale are in charge of the prosecution.

Attachment(s):

[Download ryan_et_al_superseding_indictment_01.29.2021.pdf](#)

Topic(s):

Financial Fraud

Component(s):

[Federal Bureau of Investigation \(FBI\)](#)

[USAO - Louisiana, Eastern](#)

Updated January 29, 2021

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EXHIBIT F

**AFFIDAVIT TARRANT
COUNTY, TEXAS**

1. Affiant is a member of Crosby Investigations, located in Plano, Texas
2. Crosby Investigations is licenced by the State of Texas, license number A06321
3. Affiant received a request for an investigation regarding the address 301 Commerce Street, Fort Worth Texas at suite 3300.
- 4 . It was believed that the subject address was the headquarters of TPG or Texas Pacific Group.
5. It was believed that TPG dealt with large private investments in mortgages and/or mortgage backed securities
6. Upon finding the location, it appeared to be a "virtual office" for a group of companies. On the first floor the directory listed TPG at 3300. See exhibits A.
7. Upstairs the wall sign simply stated TPG. See exhibit B.
8. Photographs of various aspects of the location were taken and forwarded to attorney Henry L. Klein, who made the initial request. See exhibit C
9. Only one person was seen at a reception desk, and she was generally unaware of what TPG's business was, even when affiant mentioned mortgage-backed securities.
10. Affiant asked for a person in-charge, but the receptionist did not have that information.
11. When specifically asked for Joshua Peck, she did recognize the name and volunteered that he may have been at a Dallas location and provided telephone number 469-621-3001
- 12 . When affiant made a call to the Dallas location, the person couldn't connect to Joshua Peck and said she was a "Media contact"



13. When asked at the Fort Worth location for James Coulter, the receptionist did not recognize the name.

14. The receptionist knew nothing about what the company did.

15. The Fort Worth location did not have any brochures in the lobby of the building and the business itself on the 33rd floor.

16. A picture of 301 Commerce St was taken. See exhibit D.

Exhibit A - Directory of businesses at 301 Commerce St.

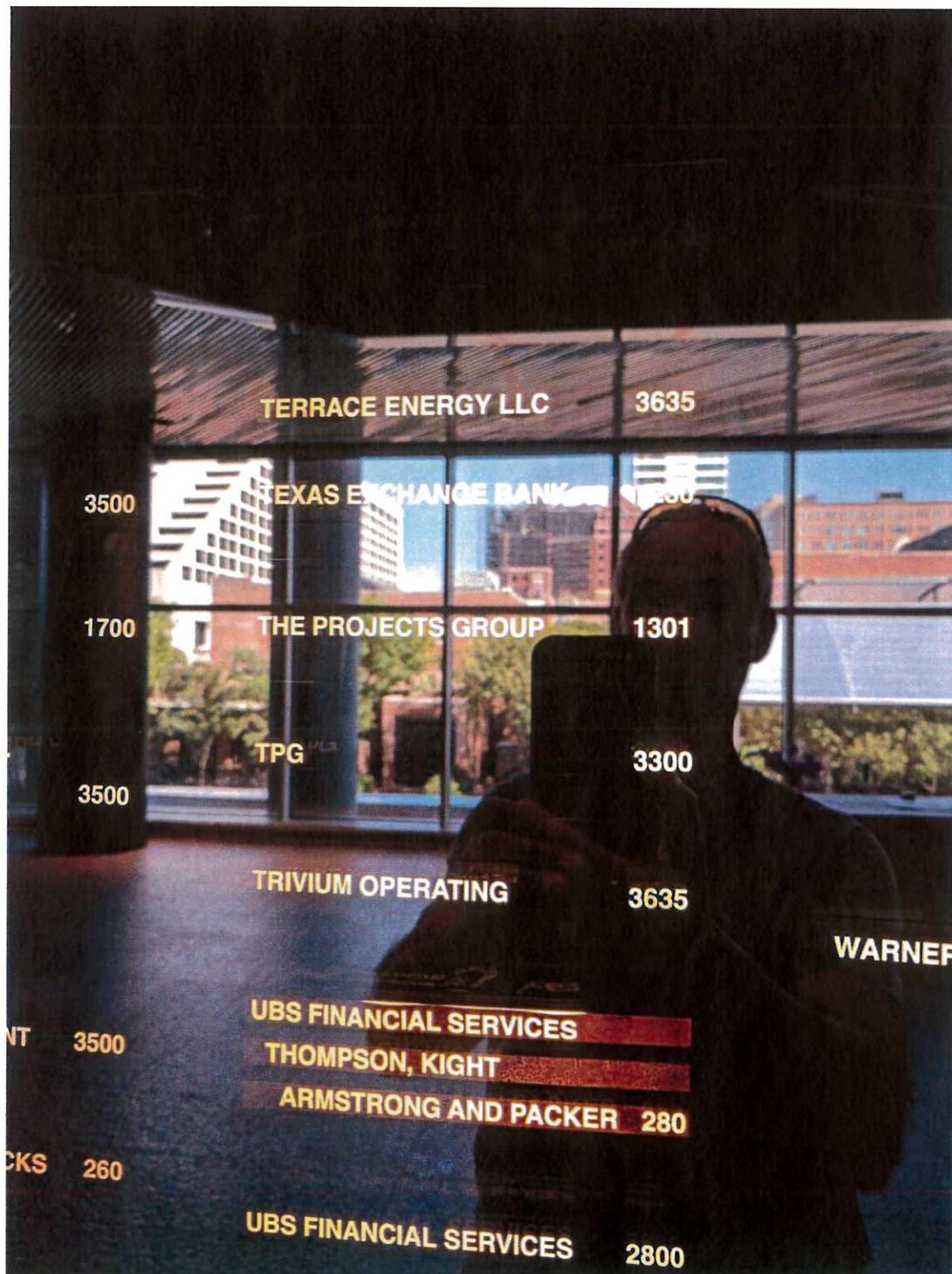


Exhibit B - Wall sign TPG on the 33rd floor



Exhibit C - Photos of TPG, 301 Commerce St #3300, Fort Worth.

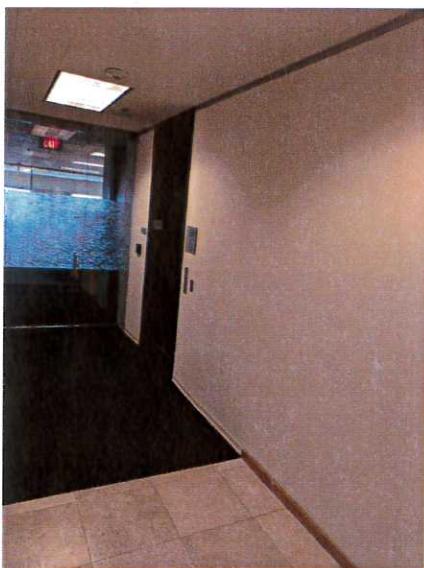
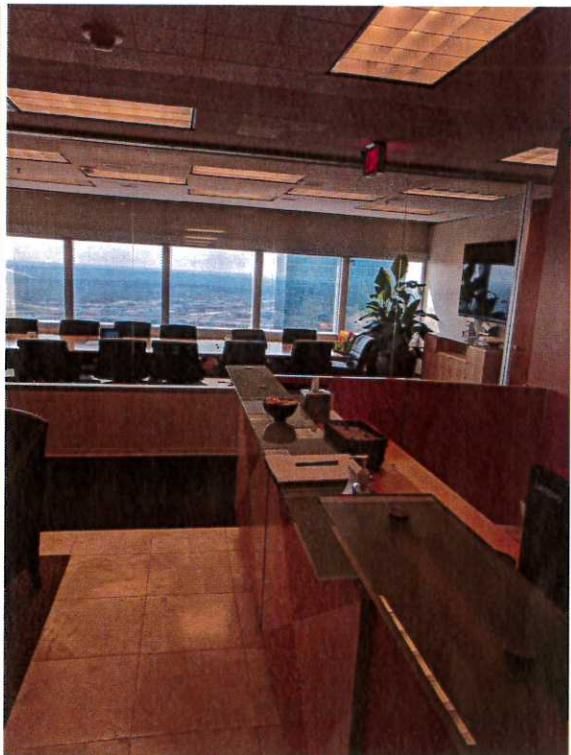
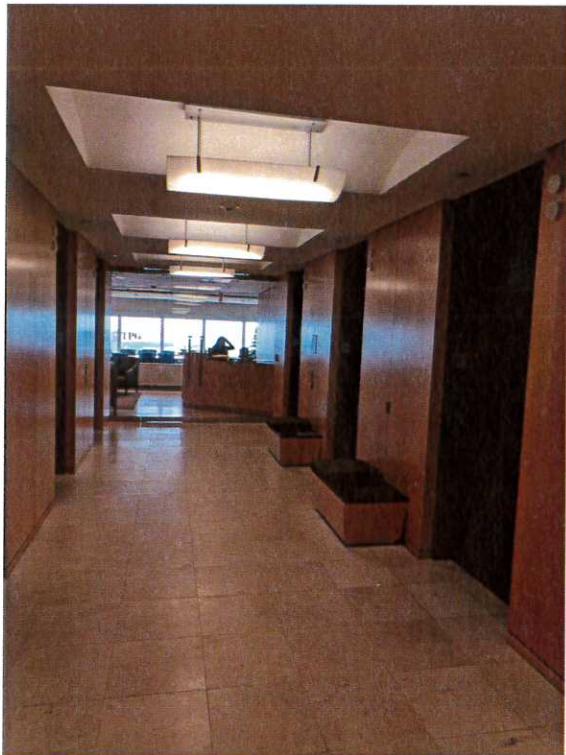
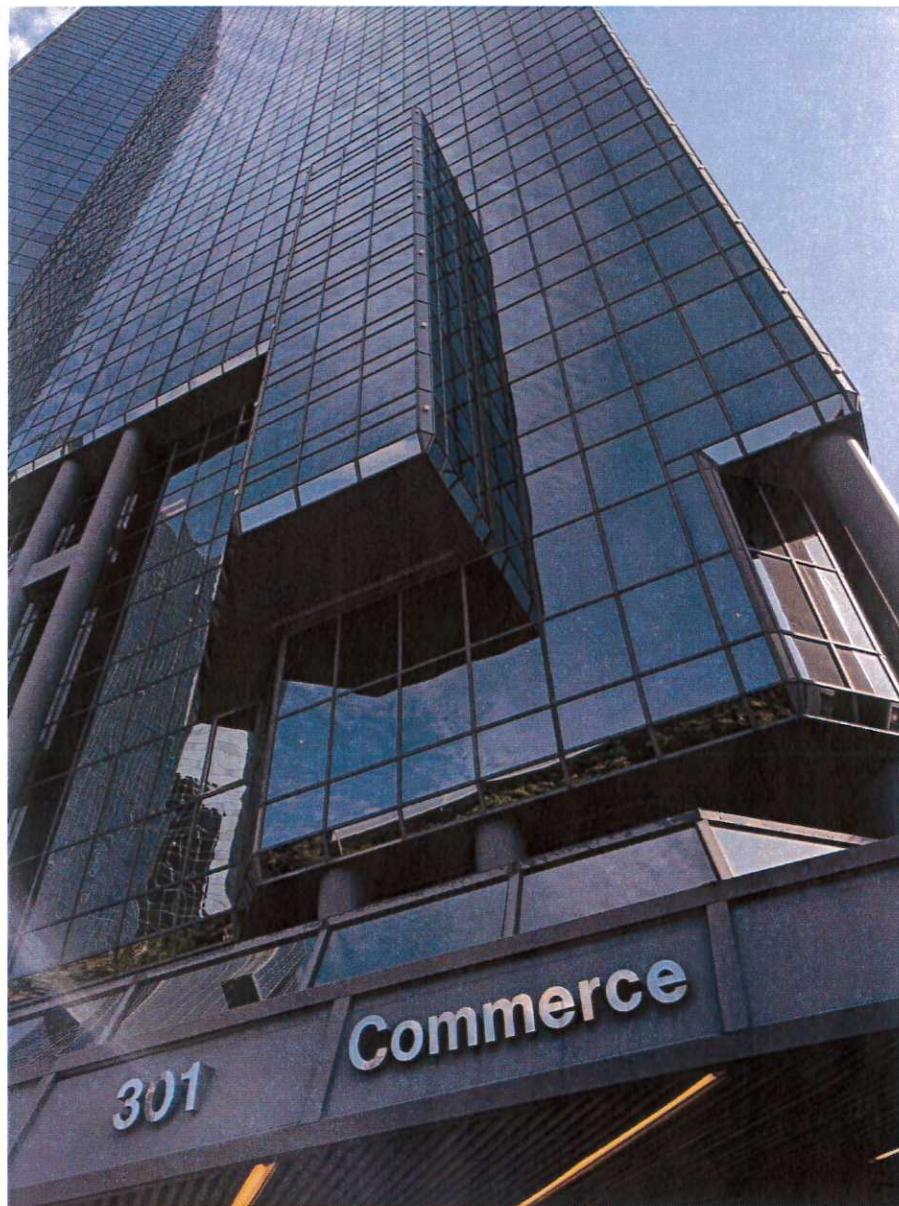


Exhibit D - Photo of 301 Commerce St.



TIBOR KOVATES

PRINTED NAME

Tibor Kovates

SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public
in

Dallas, County, Texas this 23 day of
September, 2019.



Kori Lenae English
Notary Public, State of Texas

Phone conversation with TPG, Dallas, 9/17/2019, 11:36 AM:

Receptionist: This is Courtney.

PI Kovacs: Courtney um, this is um TPG, isn't it?

Receptionist: Yes.

PI Kovacs: Can I speak to Joshua Peck, please?

Receptionist: Um, um, this is the media line, so unfortunately we can't connect directly, but I can take down your name and number and what it's regarding and pass that along to the office.

PI Kovacs: Is, does he happen to be in the office today, if I was to make today an appointment?

Receptionist: Um, I'm not sure, I would have to check with his his executive assistant.

PI Kovacs: OK, well I'm not...

Receptionist: This is just the media line, so it's usually for media inquiries, so we are not, we don't have um access to that that other division.

PI Kovacs: Well, I am chartering my plane, um, I am not sure if I'm gonna fly in later this afternoon or tomorrow morning, I'll give you a call back.

Receptionist: OK, thank you so much.

Department of State: Division of Corporations

Allowable Characters

HOME
About Agency
Secretary's Letter
Newsroom
Frequent Questions
Related Links
Contact Us
Office Location**SERVICES**
Pay Taxes
File UCC's
Delaware Laws Online
Name Reservation
Entity Search
Status
Validate Certificate
Customer Service Survey
Loading.

Entity Details		
THIS IS NOT A STATEMENT OF GOOD STANDING		
File Number:	6372095	Incorporation Date / 4/7/2017 Formation Date: (mm/dd/yyyy)
Entity Name:	GIROD LOANCO, LLC	
Entity Kind:	Limited Liability Company	Entity Type: General
Residency:	Domestic	State: DELAWARE
REGISTERED AGENT INFORMATION		
Name:	MAPLES FIDUCIARY SERVICES (DELAWARE) INC.	
Address:	4001 KENNETT PIKE, SUITE 302	
City:	WILMINGTON	County: New Castle
State:	DE	Postal Code: 19807
Phone:	302-338-8793	

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like Status Status, Tax & History Information

For help on a particular field click on the Field Tag to take you to the help area.

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-92-

12. The FDIC received comments, published at FR Vol.74, 45444, *viz*:

The Senators' comment urged the FDIC to eliminate the ability of investors domiciled in secrecy jurisdictions to invest in failed U.S. banks and thrifts based on the history of association offshore structures have with financial fraud, money laundering, tax evasion, and other misconduct.

13. By any measure, LOANCO is the epitome of "...a complex and opaque organizational structure..." impossible to untangle:

Girod is wholly-owned by a limited liability company that is in turn owned by three other limited liability companies. One of the members of the three limited liability companies is a limited partnership formed under the laws of the State of Delaware (the "DE LP"). To Girod's knowledge, one of the limited partners of the DE LP is a limited liability company formed under the laws of the State of Louisiana (the "LA LLC"), the members of the LA LLC are inter vivos trusts incorporated under the Louisiana Trust Code (the "Trusts") and the settlors, trustees and beneficiaries of the Trusts are individuals who reside in Louisiana.

14. At great expense, the Succession traced LOANCO to the Caymans:

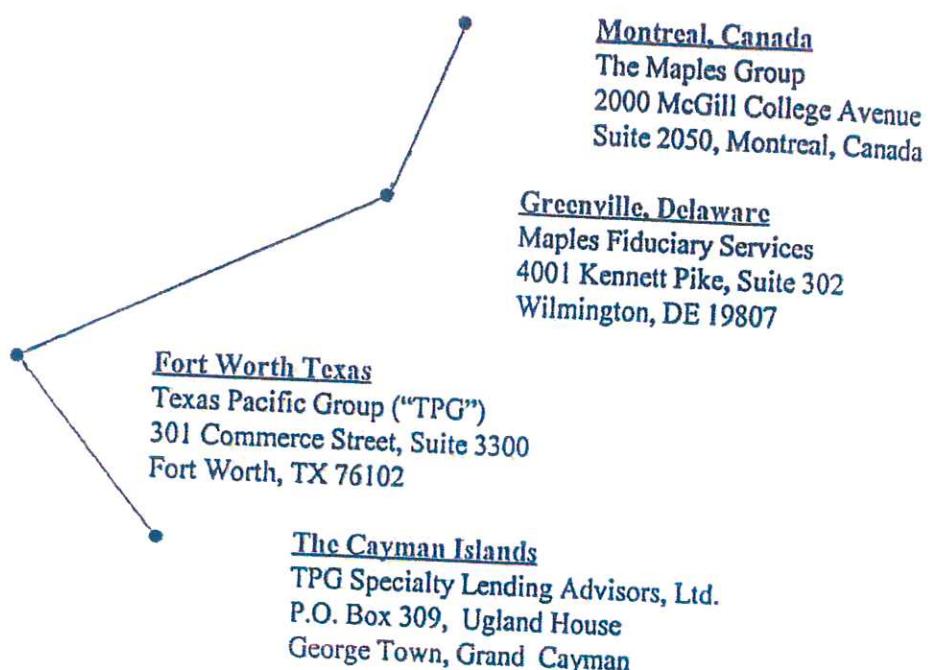


EXHIBIT G

From: Tibor Kovacs <kovacsinvestigations@gmail.com>

Date: Fri, Sep 4, 2020, 1:52 PM

Subject: Girod Investigation, September 4, 2020

To: Henry Kline C <henryklein44@gmail.com>

Hi,

I visited today, at approximately 9:30 AM, 2100 McKinney Ave, Dallas, TX 75201. I went up to the 15th floor, suite 1500. One of the doors was locked and had a sign (behind on the wall) for TPG/Sixth Street Partners. The other door was unlocked. I entered. The large floor was full of computer terminals. I walked around and finally saw two employees. It was confirmed to me that there's no Girod company on that floor and that is indeed suite 1500. The guy I talked to also confirmed it is Sixth Street Partners/TPG.

I went downstairs and looked in the directory. TPG was listed, but there was no Girod. I also spoke to the front desk person. He told me that there's no Girod in the entire building and the 15th floor has TPG and an IT company as tenants.

I attached photos and two videos.

<https://photos.app.goo.gl/92MaBUyFUP1UTW8r8>

<https://photos.app.goo.gl/uX4JDCCrAqhJuPR7>

<https://photos.app.goo.gl/PzbUkPF1sbRPCSRE9>

I also talked on the phone to the property management company. I attached the audio confirming that the 2100 McKinney Ave building doesn't have Girod company.

Regards,

--

Tibor Kovacs

Kovacs Investigations, LLC

License A04179101

445 E FM 1382 STE 3-551

Cedar Hill, TX 75104

972-975-0053

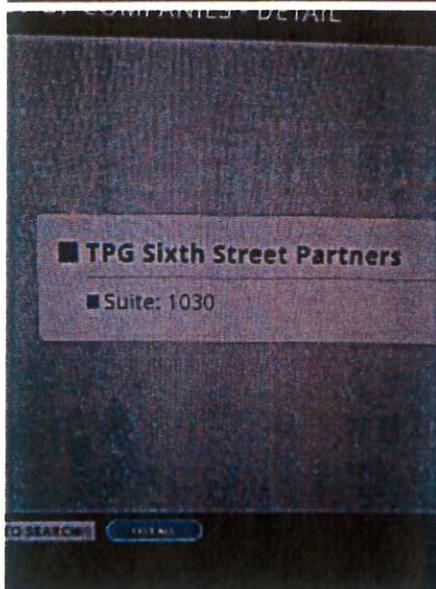
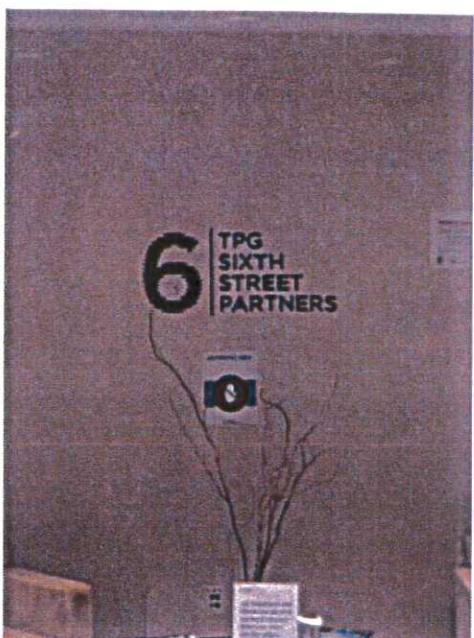




Join



Tibor Kovacs





Henry Klein <henryklein44@gmail.com>

Fwd: Girod Investigation, September 4, 2020

6 messages

Tibor Kovacs <kovacsinvestigations@gmail.com>
 To: Henry Kline C <henryklein44@gmail.com>

Tue, Jul 13, 2021 at 3:41 PM

Tibor Kovacs
 Kovacs Investigations, LLC
 License A04179101
 445 E FM 1382 STE 3-551
 Cedar Hill, TX 75104
 972-975-0053

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If you become aware of a potential criminal or administrative violation of Texas Occupations Code, Chapter 1702, by a licensed or unlicensed company or individual in the Private Security industry, you may submit a written statement to the Regulatory Services Division (RSD) or call (800) 224-5744.

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

From: **Tibor Kovacs** <kovacsinvestigations@gmail.com>
 Date: Fri, Sep 4, 2020, 1:52 PM
 Subject: Girod Investigation, September 4, 2020
 To: Henry Kline C <henryklein44@gmail.com>

Hi,

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I went downstairs and looked in the directory. TPG was listed, but there was no Girod. I also spoke to the front desk person. He told me that there's no Girod in the entire building and the 15th floor has TPG and an IT company as tenants. I attached photos and two videos.

<https://photos.app.goo.gl/92MaBUyFUP1UTW8r8>
<https://photos.app.goo.gl/uX4JDCCCrAqhJuPR7>
<https://photos.app.goo.gl/PzbUkPF1sbRPCSRE9>

I also talked on the phone to the property management company. I attached the audio confirming that the **2100 McKinney Ave** building doesn't have Girod company.

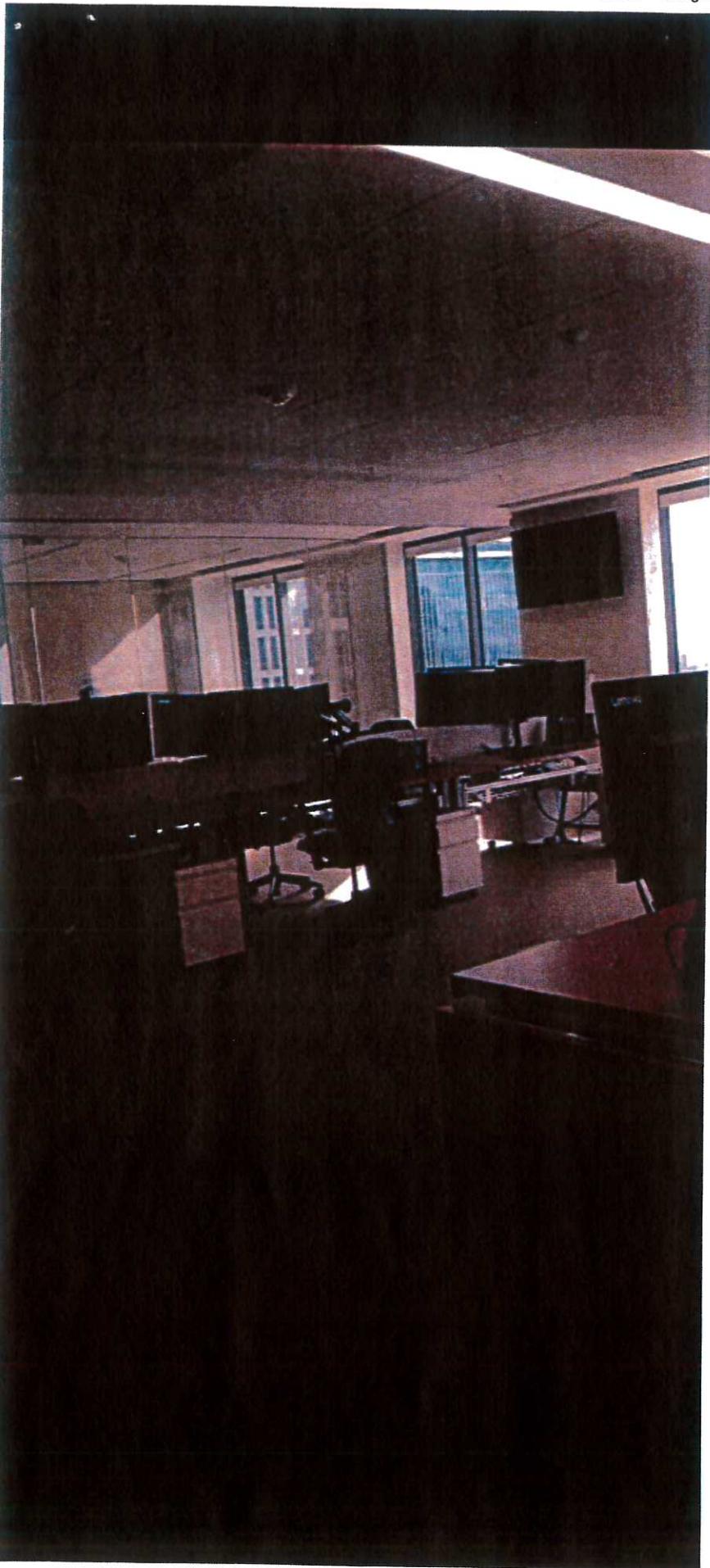
Regards,

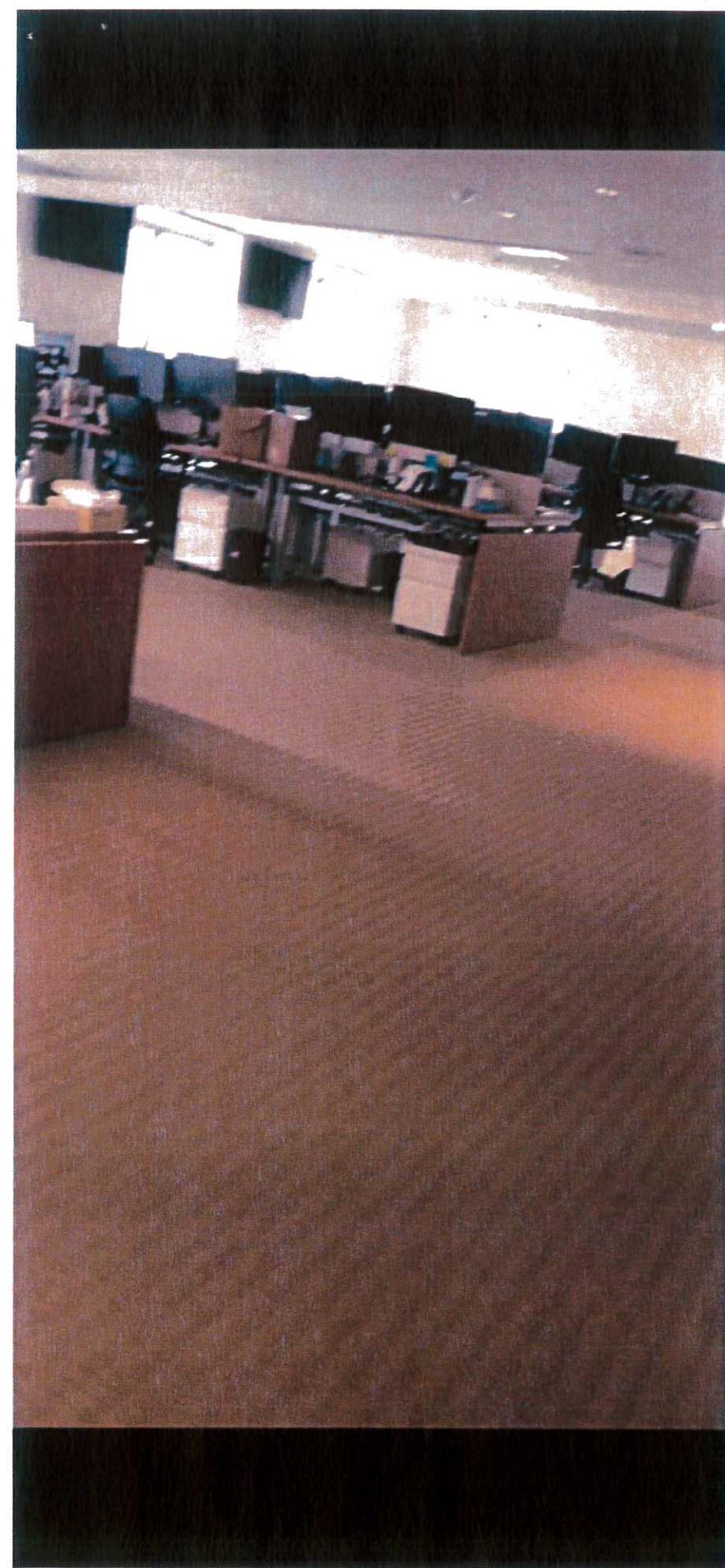
--
 Tibor Kovacs



7/14/2021

Photo - Google Photos









Henry Klein <henryklein44@gmail.com>

2100 McKinney

9 messages

McNeel, Melissa M. @ Dallas <Melissa.McNeel@cbre.com>
 To: "henryklein44@gmail.com" <henryklein44@gmail.com>

Mon, Aug 31, 2020 at 9:20 AM

Melissa McNeel | Associate Director

CBRE | Property Management

2100 McKinney Avenue, Suite 850 | Dallas, TX 75201
 T 214 758 6920 | F 214 389 4142
melissa.mcneel@cbre.com | www.cbre.com

Please consider the environment before printing this email.

This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

Henry Klein <henryklein44@gmail.com>

Mon, Aug 31, 2020 at 9:52 AM

To: "McNeel, Melissa M. @ Dallas" <Melissa.McNeel@cbre.com>
 Cc: Dayna Heisler <dheisler4133@gmail.com>

Hello, Melissa.

Attached are reports to the Louisiana Secretary of State to the effect that various GIROD affiliates have their principal place of business and mailing address at your building, Suite 1500.

Please confirm one way or another. I am filing an action today on these issues, so your expedited response will be appreciated.

My CV is attached. I do a lot of corruption work and these people are corrupt. They are known as "vulture funds" and are destroying innocent people.

Henry

[Quoted text hidden]

2 attachments

GIROD AT DALLA.pdf
 104K

HLK JUNE 3 CV.pdf
 4288K

McNeel, Melissa M. @ Dallas <Melissa.McNeel@cbre.com>

Mon, A

~30~

<https://mail.google.com/mail/u/0/?ik=a7029421f5&view=pt&search=all&permthid=thread-f%3A1676550985480808499&simpl=msgd>



To: Henry Klein <henryklein44@gmail.com>
Cc: Dayna Heisler <dheisler4133@gmail.com>

Henry,

I've reached out to my tenant in Suite 1500 to determine if the entities you showed on the attached are associated with their company. I have not heard back from them. I can tell you that none of these entities are the name of their lease. As soon as I hear back from my tenant, I will let you know.

Thank you.

Melissa McNeil | Associate Director

CBRE | Property Management

2100 McKinney Avenue, Suite 850 | Dallas, TX 75201
T 214 758 6920 | F 214 389 4142
melissa.mcneel@cbre.com | www.cbre.com

Please consider the environment before printing this email.

This message and any attachments may be privileged, confidential or proprietary. If you are not the intended recipient of this email or believe that you have received this correspondence in error, please contact the sender through the information provided above and permanently delete this message.

From: Henry Klein <henryklein44@gmail.com>
Sent: Monday, August 31, 2020 9:52 AM
To: McNeil, Melissa M. @ Dallas <Melissa.McNeil@cbre.com>
Cc: Dayna Heisler <dheisler4133@gmail.com>
Subject: Re: 2100 McKinney

External

[Quoted text hidden]

Henry Klein <henryklein44@gmail.com>
To: "McNeil, Melissa M. @ Dallas" <Melissa.McNeil@cbre.com>
Cc: Dayna Heisler <dheisler4133@gmail.com>

Mon, Aug 31, 2020 at 1:04 PM

Thank you.

[Quoted text hidden]

Henry Klein <henryklein44@gmail.com>
To: "McNeil, Melissa M. @ Dallas" <Melissa.McNeil@cbre.com>

Mon, Aug 31, 2020 at 10:03 PM

FYI

Let me know.

Thank you

~31~

[Quoted text hidden]

 **HEISLER CITIZEN SUIT.pdf**
1977K

Henry Klein <henryklein44@gmail.com>
To: "McNeel, Melissa M. @ Dallas" <Melissa.McNeel@cbre.com>

Tue, Sep 1, 2020 at 9:20 AM

This is exceedingly serious.

Girod, a "vulture fund" is ravishing innocents by billions.

Please see what you can do.

Henry

[Quoted text hidden]

McNeel, Melissa M. @ Dallas <Melissa.McNeel@cbre.com>
To: Henry Klein <henryklein44@gmail.com>

Wed, Sep 2, 2020 at 2:55 PM

Mr. Klein,

I have not received confirmation from my tenant regarding these entities. At this time, there is nothing else that I can do to assist you.

[Quoted text hidden]

Henry Klein <henryklein44@gmail.com>
To: "McNeel, Melissa M. @ Dallas" <Melissa.McNeel@cbre.com>

Wed, Sep 2, 2020 at 6:07 PM

Danke Schoen !!!!

[Quoted text hidden]

Henry Klein <henryklein44@gmail.com>
To: Tibor Kovacs <kovacsinvestigations@gmail.com>

Wed, Sep 2, 2020 at 6:21 PM

The above should help.

Henry

[Quoted text hidden]

EXHIBIT H

Exhibit AA. Although the binder containing everything articulated here and more, the District Court inexplicably **VACATED** the setting of the motion for September 1. As required by law, Heisler sought a Stay from the District Court, which was **DENIED** on August 19, Exhibit AA.

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

An additionally egregious aspect of LOANCO and Kean Miller's sharp litigation tactics are the efforts to "chill" Klein's enthusiasm for the fight.

I. E-MAILS BORDERING ON EXTORTION

09/04/19: Henry – Make me a proposal that includes a surrender of Girod's collateral plus payment of \$250K in exchange for a release of Girod's deficiency claims against Heisler and its claims against you [and your wife], and a conveyance of all Levy Gardens rights. I do not have authority to make that proposal, but if you make one like that to me, I will encourage Girod to respond.

09/30/19: Henry – I am responding to your offer to purchase the Levy Gardens note for \$250,000. Your offer as proposed is rejected. In the alternative, as a confidential settlement proposal, if you and your clients will consent to the pending foreclosures in the 24th JDC going through without further litigation, and will cease all litigation activity, then Girod will consider accepting a discounted payoff on the Levy Gardens note (rather than a note sale) at \$250,000. Please advise if you would like to pursue that option.

01/21/20: We expect the total deficiency to be over \$2MM after the sale of Baronne and application of the Schwab proceeds. The Heislers [and you] should expect Girod to pursue a deficiency claim if they continue fighting.



01/27/20: *Please vacate 844 Baronne*, and let me know when you are out.

02/10/20: Eric: How do you justify taking everything this lady owns? And doing it with the right to seek deficiencies? And then sending the money to strangers? In the Caymans? How do you sleep at night? What happened to your oath? The practice of law has reached the lowest of levels with your actions. Shame on you.

02/10/20: Henry – She borrowed a lot of money. *She gave a lot of it to you for Levy Gardens and whatever else.* She didn't pay it back. I sleep great. I didn't take her money.

02/21/20: I will not have any documents for you to pick up *until after you move out of 844 Baronne.*

02/26/20: Henry - Girod has no objection to your taking whatever books belong to you. *Your law office and your wife's business and any other businesses you or she run from that address should be gone already.* No one is putting you on the street. You have had ample opportunity to find a new address.

02/27/20: I will agree to provide you with a paper copy *once you move out of 844 Baronne.*

II. GIROD LOANCO v. HENRY L. KLEIN

On June 1, 2021, Eric Lockridge made a demand on Henry L. Klein for payment of \$286,893.92, with a per diem of \$113.52 from June 1, Exhibit CC. The alleged basis was a September 26, 2008 corporate guaranty of a Levy Gardens note to FNBC in the original amount of \$5,126,000, paid down to \$194,616.77 when FNBC was closed. The demand was to pay by June 11, 2021. On June 15, 2021, the lawsuit was filed at Civil District Court

Docket 2021-5090, Exhibit DD. As a consequence of the impact of Heisler's right to unthreatened legal counsel, a Petition for Injunctive Relief was filed in the Succession case, Exhibit EE. Klein's affidavit is made Exhibit FF.

III. LOCKRIDGE AND THE BAR ASSOCIATION

Fomented by the Judge Schlegel threats to hold Klein in criminal contempt if he filed pleadings without his advance approval, a Bar Complaint was brought against Heisler's counsel. Office of Disciplinary Counsel will present only one witness, Eric Lockridge. In his confidential sworn statement to ODC, Lockridge said this about his client, Exhibit GG:

Q. Is your client, are they a debt buyer typically? How would you designate them?

A. Girod is a special purpose, special purpose vehicle that was formed to purchase the notes from the FDIC. That is, that is Girod's business, is it buys notes, it bought notes from First NBC Bank and seeks to collect on those notes.

Of course, that is exactly what vulture funds do. Buy debt for the sole purpose of litigating against debtors for more than it cost to buy the paper in the "secondary market" created by bank failures, among other causes.

IV. LOANCO'S RULE 11 MOTION

On June 22, one week after LOANCO filed suit against Henry Klein, a 305-page Rule 11 Motion was filed, requiring a strong and detailed response, Exhibit HH, organized as follows for this Court's ease of reference without burdensome detail³¹:

Girod is a Special Purpose Vehicle.....	1
Congressional Definition of "vulture creditors".....	2

³¹ Much of the response came from a report made to the prosecutors in the criminal case against Gibbs.

Two Res Nova Issues: ABA 491 and Outright Dismissal of Vultures.....	3
Smoking Gun Documents: The Michael Lulich ³² loans.....	3
The Fruit of a Poisonous Tree.....	4
No Proceeds to the Succession.....	6
Length of Loans with No Payments Made.....	6
Regina Heisler Documentation History ³³	7
Loans Made to Conceal Delinquencies.....	8
Loans Impacting Heisler Assets.....	9
Reconstructed Use of Bogus Collateral.....	9

All of this was available to the District Court in 21-724. All of this supported Regina Heisler's case and the request for summary disposition, making the Vacating of the MSJ on August 13 inexplicable.

V. LOANCO'S INTIMIDATING DEMAND TO THE SUCCESSION

On April 27, 2021, LOANCO made a demand that Regina Heisler and Henry Klein maintain a mountain of oppressive documents, Exhibit JJ, to-wit:

“Girod LoanCo LLC intends to seek an accounting showing the revenue, receipts, disbursements, and disposition of all property of the Succession from April 8, 2007 to the present. We are currently investigating, among other issues, whether assets of the Succession may have been used inappropriately (e.g., to pay debts that are not chargeable to the Succession). Therefore, we demand that [you] preserve all documents, tangible things, and electronically stored information (“ESI”) potentially relevant to the Actions.”

³² Fourteen loans were the beginning of the loan-kiting scheme, clearly bogus, raising the defense of “...the fruit of a poisonous tree...”, Exhibit II.

³³ The point was that FNBC loans for \$20 million were made with no documentation.

Page two reaches absurd levels of abuse. LOANCO did not exist until 2017 and the threat to badger a 79-year old widow is why we have suggested and independent NASCO investigation and seek a stay from this Court of any further abuse, seizures and threats.

REASONS FOR GRANTING RELIEF

Regina Heisler's plea is what Justice FRANKFURTER said *Offutt v. United States*, 348 U.S. 11 (1954): "...justice must satisfy the appearance of justice..." There is a rush to take the \$2.1 million in the state registry that is dangerously close to happening. The money will go to the Cayman Islands. Matters are quickly decaying and Regina Heisler's constitutional rights are in danger. Although she was victimized by Gary Gibbs, who preys on the vulnerable without limits, no one is listening. A communication Dayna Heisler recently received said this, Exhibit BB:

"Ms. Heisler - I found your name from reading an article about Gary Gibbs. Gibbs also fraudently took over \$320K from my 82 year old Aunt after her husband died in Nashville TN... I have history with Gibbs and would like to see your mother get her money back and him go to prison."

For unknown reasons, the ruthlessness of vulture funding in the case at bar has not been recognized. The reasons set forth at page vi are straightforward and undisputed:

1. Regina Heisler, described in United States v. Gary Gibbs, 20-CR-60, as Nominal Borrower F never received any money or consideration on the shill loans LOANCO purchased from the FDIC at deep discounts, a hallmark of vulture funding.
2. Regina Heisler was never given an evidentiary hearing by the bankruptcy court nor an opportunity to testify that she was defrauded and received no money.

3. LOANCO did not have the right to make any judicial demands in Louisiana courts pursuant to Louisiana's Door-Closing Statute, R.S. 12:1354(A), *Millburn v. Proctor Trust* and *Henson v. Santander*.
4. LOANCO's \$7,869,608.10 Proof of Claim ("POC-3") was approved by the bankruptcy court on August 13, 2021, without a hearing and without any evidence being introduced.

At a minimum, the District Court should be ordered to hold an evidentiary hearing. But Regina Heisler has suffered more than enough. This Court can and should grant summary disposition pursuant to its inherent powers and 28 U.S.C. § 1651. If this Court cannot grant almost immediate relief, all parties should be stayed from taking any further action to the prejudice of Regina Heisler.

CONCLUSION

LOANCO's ability to destroy a family without the enforcement of laws promulgated for the protection of the public interest in this case is astounding. The Louisiana Door-Closing statute, intended to keep foreign entities from crossing state lines for sinister purposes has been ignored. ABA FORMAL OPINION 491 has meant nothing to Kean Miller or the courts below. Bankruptcy fraud in the form of POC-3 has paid handsomely to two entities that don't even exist at 2100 McKinney Avenue, Suite 1500, Dallas, Texas, as our detectives have exposed, Exhibit KK.

CERTIFICATE OF SERVICE

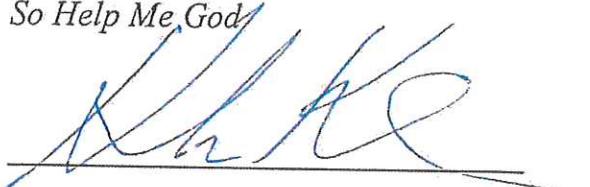
Undersigned counsel certifies that a copy of this Petition for a Writ of Mandamus, with the complete Appendix has been served upon all Persons and Entities listed at page I hereof, on the 20th day of August 2021 by commercial courier.

CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies that the body of the Petition, pages 1 - 18, contains 4987 words using Times New Roman Font 13, well within the limits set forth by the Rules of the United States Court of Appeals for the Fifth Circuit.

28 U.S.C. § 1746 DECLARATION UNDER PENALTY OF PERJURY

I, Henry L. Klein, declare under penalty of perjury, that I am the sole author of the Petition for Writ of Mandamus and for Extraordinary and Expedited Relief to the United States District Court for the Eastern District of Louisiana in Case No. 2021-724-SM-MBN and that all statements of fact are true and correct, executed on the 20th day of August, 2021.

So Help Me God


Respectfully submitted,

/s/ Henry L. Klein

Henry L. Klein (7440)
201 St. Charles Avenue, Suite 2501
New Orleans, LA 70170
504-439-0488
henryklein44@gmail.com

EXHIBIT I

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE *
SUCCESSION OF FREDERICK P. HEISLER * No. 21-724
*
versus * Section E
*
GIROD LOANCO, LLC AND GIROD REO, LLC * Magistrate 2
*

REGINA HEISLER'S OPPOSITION TO GIROD'S 12(b)(5) AND 12(b)(6)
MOTION TO DISMISS, REQUEST FOR TREATMENT AS A RULE 56 MOTION
AND CROSS-MOTION FOR SUMMARY JUDGMENT
AGAINST GIROD LOANCO AND GIROD REO

On July 14, 2021, Girod LoanCo, LLC and Girod REO, LLC (together “Girod”), filed a Rule 12(b)(5) and Rule 12(b)(6) combined Motion to Dismiss the case with prejudice. For the reasons that follow, the Motion should be treated as a Rule 56 Motion for Summary Judgment, as to which Heisler files a Cross-Motion for Summary Judgment. While Rule 12(d) provides that “...all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion...”, that may not be necessary.

On Cross-Motion for Summary Judgment, the Court should rule that Girod LoanCo’s initial presentation of “...judicial demands...” in the 24th Judicial District Court in the matter of Girod LoanCo, LLC v. Regina Heisler, Individually and as the Succession Representative/Executrix of the Succession of Frederick P. Heisler, Docket No. 793-014 are absolute nullities as “...acts derogat[ing] from laws enacted for the protection of the public interest...”, Louisiana Civil Code Article 7 and other compelling bases presented below.

First, Regina Heisler dispenses with the objection to service of process:



(a) Corporate Creations Network's COVID 19 Instructions Regarding Service.

Girod LoanCo and Girod REO both show their Agent for Service of Process as Corporate Creations Network, Inc., at 1070-B West Causeway Approach in Mandeville, Exhibits A & B¹. Before traveling to Mandeville, undersigned counsel called and was advised that e-mailing was allowed as a response to COVID 19. We expected written confirmation this date, but will supplement, Exhibit D. Girod's claim that "...a copy was not mail[ed] to the defendant..." is sheer sophistry: *the defendants are phantoms, as our detectives reported.* Moreover, Eric Lockridge had the lawsuit by April 19, resulting in a long e-mail discussion over Corporate Creations and overtures suspected, Exhibit E. There was nothing wrong with service of process and the interests of justice will be best-served by expedited resolution.

(b) Treatment as a Rule 56 Motion. Girod Exhibits 1, 2 and 3 open the floodgates. Rule 12(d) provides that if the 12(b)(6) motion presents matters outside of the pleadings, the motion "...must be treated as one for Summary Judgment under Rule 56...". By introducing the first 192 pages of POC-3, Girod puts the very issue of bankruptcy fraud at the front of the line. As Regina Heisler has pleaded in her Motion for a Speedy Hearing Pursuant to Rule 57 (Doc. 46) and Motion for Injunctive Relief (Doc 50), there are ample bases to support a summary ruling that Girod LoanCo's judicial attacks upon the Succession's assets were *jurisdictionally* null and void. The 24th Judicial District Court did not have *in personam* jurisdiction over Girod. The issues have been expanded by Girod's presentation of POC-3 and Regina Heisler therefore has the right to present a Cross-Motion for Summary Judgment requiring some further opportunity for response.

1 Neither entity has a Louisiana Place of Business. Suite 1500 at 2100 McKinney Avenue in Dallas is a virtual office, part of vulture funding's *modus operandi*. Detectives were hired to ferret out the truth, Exhibits C-1 & C-2.

(c) Incorporation by Reference, August 18 Submission or as the Court May

Deem Appropriate. Substantial effort has been made to present the critical plight that faces Regina Heisler, clearly a victim of criminality that includes violation of multiple laws made for the preservation of the public interest and jurisprudence thereupon: (i) FDIC September 2009 Policy against silo-structured entities in secrecy jurisdictions (Cayman Islands); (ii) [proposed] House Resolution 2932; (iii) ABA FORMAL OPINION 491; (iv) La. R.S. 12:1354(A); (v) *Milburn v. Proctor Trust*; (vi) *Henson v. Santander*; (vii) *Caperton v. A.T. Massey Coal*; (viii) First Amendment Access to Courts; (ix) Due Process of Law, and much more. The Cross-Motion for Summary Judgment must be submitted for August 18, 2021, but the Court is respectfully urged to take the necessary steps to ensure that the \$2.1 million about to be turned over to the Trustee — who intends to give it to Girod — *does not leave the United States.*

(d) Discovery Stayed in Bankruptcy Court. Given Girod's introduction of POC-3 into this process, it is necessary to inform this Court that the Debtor's Counsel, Darryl Landwehr, long ago issued discovery requiring Girod LoanCo to produce *evidence* that Regina Heisler or the Succession actually received any money or valid consideration in the loan-kiting scheme that broke the bank. On June 23, 2021, three (3) days before Girod's discovery answers were due, Judge Grabill put a stay on discovery, *sua sponte*. The colloquy, at pages 19-20 was as follows (truncated for the sake of brevity):

THE COURT: Okay. Well, what I'm going to do is this. I'm going to pull Mr. Klein's objection to Proof of Claim No. 3, which is Girod's proof of claim, out of abeyance and, and take under advisement both Mr. Klein's objection and the debtor's objection to Proof of Claim No. 3, Girod's proof of claim, so I can decide whether or not an evidentiary hearing is even needed. So no discovery....So no discovery is to be had until this Court

decides whether or not an evidentiary hearing is needed....

MR. KLEIN: Your Honor, does your ruling just now mean that Girod does not have to file answers to Darryl Landwehr's interrogatories, which I thought were right to the [heart of the matter]...

THE COURT: Yeah. Not right now, no....

At pages 22- 23:

THE COURT: (To Mr. Babin) Can you give me until July 21st to decide whether there's going to be an evidentiary hearing?

MR. BABIN: Your Honor, I definitely can. I just want to make sure I'm fulfilling my obligations. And so I can hold off until, until that time.

THE COURT: Okay. I'd appreciate it. That'll give me enough time to at least know whether or not an evidentiary hearing is required or whether or not another court has, has already ruled on these issues.

That was June 23. Nothing happened on July 21 and Regina Heisler has yet to appear in court and tell her side. We repeat the beginning of our Motion for a TRO:

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.

March 4, 2021: *I want to take an oath and have a hearing.*

March 12, 2021: *I have had no voice on this from the beginning.*

March 27, 2021: *WE NEED A HEARING!
PLEASE LET ME TESTIFY.*

March 28, 2021: *There is something seriously wrong with this system. That's why we are begging for a hearing.*

All of this has resulted in the filing this date by Darryl Landwehr of a Motion for Leave to Conduct Discovery, Exhibit F. This late in the proceedings!!! If leave is granted, further issues regarding the specter that "...collusion..." took place with the last two agreements made by the Trustee (i) to sell 844 Baronne (to Girod REO) and (ii) give 99% of the \$2.1 million in CDC to Girod. A preview of what Creditor-Klein will ask in discovery is provided as Exhibit G².

All of this is now ripe for this Court to consider on the pending motion for injunctive relief and the cross-motion for summary judgment.

2 Creditor-Klein's right to file pleadings freely have been enhanced by his voluntary reduction of POC-4 from \$800,000 to \$8,000 and the filing of Girod LoanCo v. Henry L. Klein. In her March 12 letter to Judge Grabill, Regina Heisler wrote:

My attorney, Henry Klein, even though he is not my bankruptcy attorney, has been fighting this for years. Although you think he has a conflict of interest, he was my husband's law partner for many years before he passed away and promised my husband he would take care of this family. Protecting me and my family is his only goal. I have had no voice in this from the beginning. He has been my only voice in fighting for what is the truth, and will continue to fight until someone sees the truth.

(e) Separate Statement of Uncontested Material Facts. Subject to further development, the following statement of uncontested material facts is submitted:

1. Girod LoanCo, LLC did not seek authority to transact business pursuant to La R.S. 12:1354(A) prior to making judicial demands.
2. Girod LoanCo, LLC was not a “debt collector for others” but a debt-owner, *Henson v. Santander Consumer USA*, 582 U.S. __ (2017).
3. Girod LoanCo, LLC did not cure its lack of standing by qualifying in Louisiana on May 25, 2020, *Milburn v. Proctor Trust*, 54 F. Supp. 989 (W.D. La. 1944).
4. Regina Heisler’s execution of documents prepared by FNBC in connection with all Girod loans purchased from FDIC were the result of fraud.
5. Regina Heisler’s execution of documents prepared by FNBC in connection with all Girod loans purchased from FDIC were not approved by the Succession Court, *Louisiana Code of Civil Procedure Article 3301*.
6. Regina Heisler’s execution of documents prepared by FNBC in connection with all Girod loans purchased from FDIC lacked consideration.
7. Girod’s POC-3 presents no proof of consideration.
8. None of the 14 Lulich loans made at the commencement of the note-kiting scheme provided consideration to the Heisler interests.
9. There is no paper trail from the Lulich notes to the Girod Notes and no available evidence as to who received the \$980 million churned in the note-kiting scheme at FNBC.

10. In the federal criminal cases at 20-CR-60, *United States v. Gibbs* and 20-CR-65, *United States v. Ryan*, Regina Heisler is *Nominal Borrower F*.

(f) Conclusion. There may never be a more egregious travesty of justice than in the case at bar. A vulture fund which purchased notes at deep discounts is well on its way to taking \$15 million from a widow who was duped by a con-artist who borrowed over \$150 million from FNBC using other people's names and property.

We await the Court's orders giving Regina Heisler her illusive "...day in court..." and hopefully an opportunity to present live testimony and oral argument as in the pre-COVID days.

Respectfully submitted,

/s/ Henry L. Klein
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201 St. Charles Avenue, Suite 2501
New Orleans, LA 70170
(504) 599-5661
henryklein44@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing Opposition to Girod's 12(b)(5) and 12(b)(6) Motion to Dismiss, Request for Treatment as a Rule 56 Motion and Cross-Motion for Summary Judgment has been served on all counsel through the Court's electronic system on this 27th day of July, 2021.

/s/ Henry L. Klein

EXHIBIT J

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE *
SUCCESSION OF FREDERICK P. HEISLER * No. 21- 724
*
versus * Section E
*
GIROD LOANCO, LLC AND GIROD REO, LLC * Magistrate 2
*

**REGINA HEISLER'S RULE 8(a) MOTION FOR STAY PENDING
APPLICATION FOR WRITS TO THE FIFTH CIRCUIT COURT OF APPEALS**

Regina B. Heisler respectfully moves pursuant to Rule 8(a) of the Federal Rules of Appellate Civil Procedure for a stay or injunction pending her application to the Fifth Circuit Court of Appeals as to the orders entered at Documents 63 and 68. The bases for the request are set forth in the Memorandum in Support. Because it is anticipated that the Court of Appeals will act expeditiously, the request is for a 30-day stay.

Respectfully submitted,

/s/ Henry L. Klein
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henryklein44@gmail.com

CERTIFICATE OF SERVICE

I certify that the foregoing Motion has been served on all counsel through the Court's electronic system on this 17th day of August, 2021.

/s/ Henry L. Klein
-47-



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE	*	
SUCCESSION OF FREDERICK P. HEISLER	*	No. 21- 724
	*	
versus	*	Section E
	*	
GIROD LOANCO, LLC AND GIROD REO, LLC	*	Magistrate 2
	*	

**MEMORANDUM IN SUPPORT OF
REGINA HEISLER'S RULE 8(a) MOTION FOR STAY PENDING
APPLICATION FOR WRITS TO THE FIFTH CIRCUIT COURT OF APPEALS**

Imprimis, the Order by the bankruptcy court overruling the Objections of the Debtor and Creditor-4 is based on an empty record. Regina Heisler was never allowed to testify, was never given an evidentiary hearing and not one document was introduced into evidence pursuant to the Federal Rules of Evidence. The allowance or disallowance of POC-3 was the entire case. The bankruptcy was a two-party case. The Chapter 7 Trustee and Girod are jointly attempting to collect the \$2.1 million in CDC, making this a matter where time is of the essence. Respectfully, none of the cases pending in Section E should proceed until the 5th Circuit rules. The proposed Order is set for submission September 1, but that may be too late. A separate Motion to Expedite is being filed contemporaneously and the Court is respectfully urged to grant or deny expeditiously. The law requires that the first request must be to the District Court. Regina Heisler seeks relief pursuant to FRAP Rule 8, Subsection A (*a stay of the judgment or order of a district court pending appeal*) and/or Subsection C (*an order suspending, modifying, restoring, or granting an injunction while an appeal is pending*).

Pursuant to 28 U.S.C. § 1651 and FRAP Rule 22, the Court of Appeals can grant the relief sought. The issues to be presented include the following uncontested facts raised at Document 64-2:

- (1) No money was paid to Heisler or Heisler interests on the loans that FDIC sold to Girod;
- (2) Heisler has never been given an opportunity to testify or present evidence that she was defrauded and received no money;
- (3) Girod did not have the right to file judicial demands; and
- (4) POC-3 has been allowed with discovery stayed on the seminal issue of "...consideration..."

The application will be submitted as soon as possible and the Court of Appeals will be asked to act expeditiously. The first two questions are undisputed. The third requests the application of law pursuant to La. R.S. 12:1354(A), *Milburn v. Proctor Trust* and *Henson v. Santander*. The fourth question just became "ripe" for consideration pursuant to the applicable law cited in the Motion for Summary Judgment and for Declaratory Judgment. The request is modest, asking only for a 30-day stay. Because the decision to OVERRULE the Objections and ALLOW POC-3 "...in its entirety..." the Court is asked to stay all cases pending in Section E.

Respectfully submitted,

/s/ Henry L. Klein
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EXHIBIT K

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

REGINA HEISLER, AS THE EXECUTRIX OF THE *

SUCCESSION OF FREDERICK P. HEISLER * No. 21-724

*

versus *

Section E

*

GIROD LOANCO, LLC AND GIROD REO, LLC * Magistrate 2

*

ORDER

Considering the foregoing, it is

ORDERED that a stay of all proceedings pending in Section E are hereby stayed for 30 days pending an Application by Regina Heisler, Executrix of the Succession of Frederick P. Heisler to the Fifth Circuit Court of Appeals. The proceedings stayed are Docket Numbers 21-724, 21-183 and 21-1343.

NEW ORLEANS, LOUISIANA this 19th day of August, 2021.

Susie Morgan
Susie Morgan
United States District Judge

~50~



EXHIBIT L

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

IN RE: REGINA BERGLASS HEISLER,

Petitioner

*On Petition for Writ of Mandamus and for Extraordinary and Expedited
Relief to the United States District Court for the Eastern District of Louisiana
in Case No. 2021-724-SM-MBN*

**PETITION FOR WRIT OF MANDAMUS PURSUANT TO FRAP RULE 21
AND FOR EXTRAORDINARY AND EXPEDITED RELIEF
PURSUANT TO 28 U.S.C. §1651(a) AND FOR A STAY OF ALL SEIZURES
WITH APPENDIX IN SUPPORT**

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Dated August 20 2021

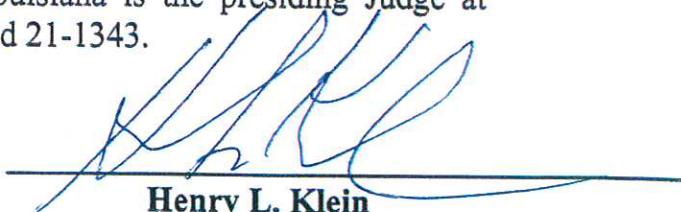
-57-



CERTIFICATE OF INTERESTED PERSONS AND ENTITIES

Undersigned counsel of record certifies that the following persons and entities have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

1. Regina Heisler is a 78-year-old widow victimized in the collapse of First NBC Bank, identified as *Nominal Borrower F* in the criminal cases spawned by the collapse of First NBC Bank in New Orleans.
2. Girod LoanCo, LLC, ("LOANCO") is a Delaware Limited Liability Company which purchased in excess of \$400,000,000 in notes and mortgages from the FDIC after the collapse of First NBC Bank on April 28, 2017, presently being used to seize Heisler assets.
3. Girod REO, LLC, ("REO") is a Delaware Limited Liability Company which has taken ownership of Heisler assets seized by LOANCO.
4. William "Bill" Babin is the Chapter 7 Trustee appointed in the Bankruptcy of Regina B. Heisler at Docket 2020-15509 in the Eastern District of Louisiana.
5. Kean Miller, LP is the law firm representing LOANCO and REO in past, present and anticipated seizures.
6. The Honorable Meredith E. Grabill, Bankruptcy Judge in the Eastern District of Louisiana is the presiding Judge in the Regina Heisler Bankruptcy at Docket 20-11509.
7. The Honorable Susie Morgan, United States District Judge in the Eastern District of Louisiana is the presiding Judge at Dockets 21-183, 21-724 and 21-1343.



Henry L. Klein

CORPORATE DISCLOSURES

Both LOANCO and REO are Delaware Titling Trusts which keep their ownership secret. Neither is domiciled in Louisiana and both show their principal place of business as 2100 McKinney Avenue, Dallas, Texas 75201¹. Both are "...silo-structured...", meaning that their structure is so complex and opaque that regulators cannot ascertain ownership or management. On September 2, 2009, the Federal Deposit Insurance Corporation ("FDIC") issued a Policy Statement prohibiting silo structured entities from bidding for the assets of failed financial institutions². Nonetheless, LOANCO purchased over \$414 million of FNBC debt on November 13, 2017³.

The following disclosure of LOANCO's "...silo structure..." was given in First NBC Bank v. Levy Gardens, Civil Action 2017-6652.

Girod is wholly-owned by a limited liability company that is in turn owned by three other limited liability companies. One of the members of the three limited liability companies is a limited partnership formed under the laws of the State of Delaware (the "DE LP"). To Girod's knowledge, one of the limited partners of the DE LP is a limited liability company formed under the laws of the State of Louisiana (the "LA LLC"), the members of the LA LLC are inter vivos trusts incorporated under the Louisiana Trust Code (the "Trusts") and the settlors, trustees and beneficiaries of the Trusts are individuals who reside in Louisiana.

1 In Globo Exhibit A.

2 45440 Federal Register Vol. 74, No. 169 Wednesday, September 2, 2009.

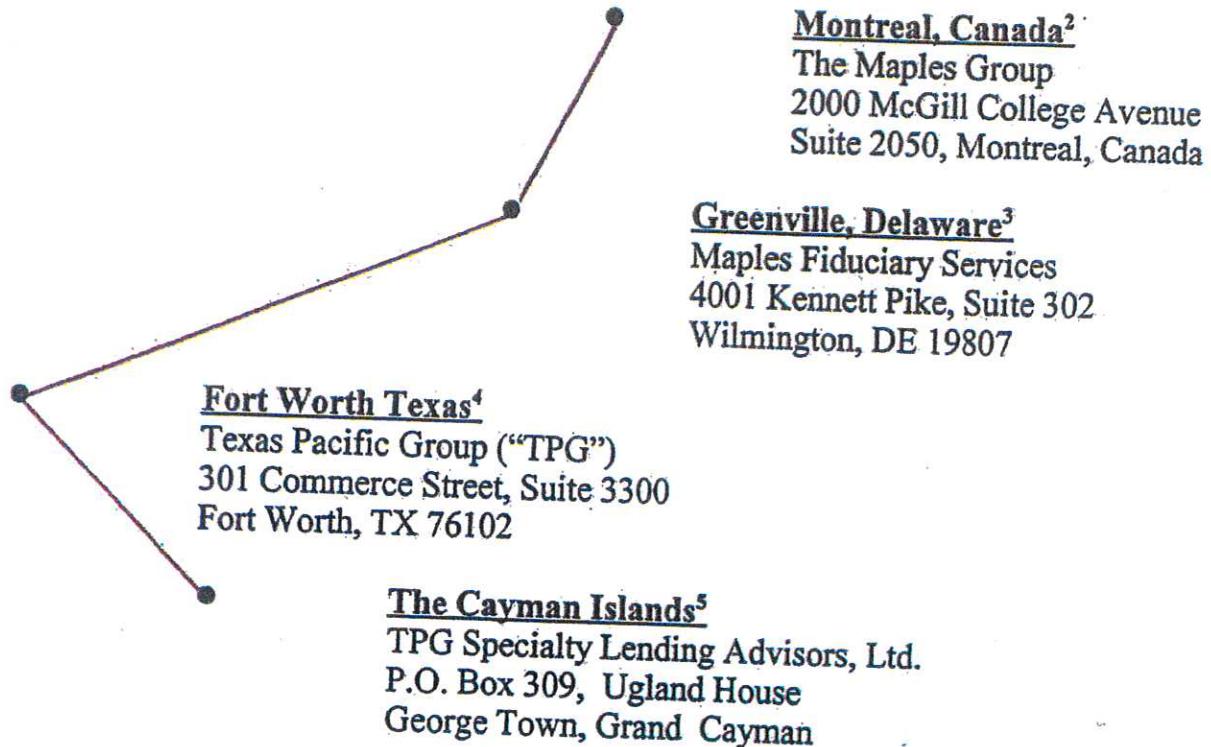
3 The \$414,769,266 shown as "book value" (Exhibit P) was much lower than the vulture value attributable to ways and means of bloating debt.

The FDIC Policy Statement, under Senators' Comments, stated:

The Senators' comments urged FDIC to eliminate the ability of investors domiciled in secrecy jurisdictions to invest in failed U.S. banks and thrifts based on the history offshore structures have with financial fraud, money laundering, tax evasion and other misconduct.

At substantial expense, undersigned counsel hired detectives in Delaware and Texas, connecting the dots that traced LOANCO to the Cayman Islands. From many of our pleadings below, the connecting of the dots is replicated here for the Court's ease of reference:

(2) Connecting the Dots. The following are the results two+years of investigation as to Girod LoanCo, LLC and Girod REO, LLC, two vultures hiding under the \$108,000,000,000 (billion) umbrella of Texas Pacific Group ("TPG"), in Fort Worth Texas:



Completing the connection was achieved through ETLOGIC, Legal Entity Identifier Search, as follows:

(3) The Final Connection to the Caymans. Using a source created by ETLOGIC, Legal Entity Identifier Search, we were able to trace where the Heisler money will go:

Legal Entity Identifier Search. Created by ETLOGIC

(<http://www.elogic.com>)

SEARCH REPORTS PRICING ABOUT REGISTER SIGN IN

Main Details	Legal Entity Identifier: 540300V2BA9NNGAVCD85	Legal Name: TPQ SPECIALTY LENDING ADVISORS, LTD.
Status and Registration	Headquarters Address: 301 Commerce Street Suite 3300 Fort Worth 76102	
Other Names	HQ Country/Region Code: US / US-TX	
Other Addresses	Legal Address: C/O Maples and Calder Corporate Services Ltd PO Box 309 Ugland House George Town KY1-1104	Country: US
Associated LEIs	Region: KY	Region: US-TX
Related LEIs	Legal Form: D000 - CAYMAN ISLANDS ORDINARY NON-RESIDENT COMPANY	Business Registry Code: RA000068
Error Reporting	Normalized Legal Form:	Registry's Identifier: 00296196
	Successor Entity:	Jurisdiction Country/Region: KY

The refusal of any court below to focus on the fact that Regina Heisler was victimized by one of the greatest bank failures in history can't be explained. But the evidence obtained through a lot of work *pro bono* is undeniable⁴.

4 Regina Heisler's assets have been seized and otherwise frozen. She survives on Social Security.

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5 The August 10, 2021 Memorandum in Support is Exhibit E. The August 13, 2021 *sua sponte* Order vacating the filing is Exhibit F.

6 The bankruptcy court's Memorandum Opinion and Order holding that
"...Klein and Heisler Are Not Entitled to an Evidentiary Hearing..." is Exhibit J.

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1. Regina Heisler, described in <u>United States v. Gary</u> <u>Gibbs</u> , 20-CR-60, as <i>Nominal Borrower F</i> <u>never</u> received any money or consideration on the shill loans LOANCO purchased from the FDIC at deep discounts, a hallmark of vulture funding	
2. Regina Heisler was <u>never</u> given an evidentiary hearing by the bankruptcy court nor an opportunity to testify that she was defrauded and received no money.	
3. LOANCO did not have the right to make any judicial demands in Louisiana courts pursuant to Louisiana’s Door-Closing Statute, R.S. 12:1354(A), <u>Millburn v. Proctor Trust</u> and <u>Henson v. Santander</u> .	

4. LOANCO's \$7,869,608.10 Proof of Claim ("POC-3") was approved by the bankruptcy court on August 13, 2021, without a hearing and without any evidence being introduced.

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PREAMBLE REGARDING *CHAMBERS v. NASCO*

As the Court reads this Petition, the proceedings below will be shocking to the conscience. Undersigned counsel has attempted to introduce the proposition that this case requires an *independent* investigation to determine the level of the fraud upon the courts that is now before this tribunal. The United States Supreme Court in *Chambers v. NASCO*, 501 U.S. 32, 44 (1991), Justice WHITE speaking for the majority, held that federal courts have the "...inherent power..." to ensure the integrity of the judicial process:

"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 . . . involves far more than an 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.'"

Justice WHITE used the term “...inherent power...” or similar versions sixty-eight (68) times. A *Chambers v. NASCO* investigation belongs to the Court and it WILL cross the minds of this panel *that is such a case*. On June 8, 2021, Heisler moved to appoint Magistrate-Judge Michael B. North pursuant to 28 U.S.C. § 636 and the August 2014 White Paper by the Federal Bar Association’s Magistrate-Judge Task Force, Exhibit M-1. Because the District Court did not respond, we ask *this* Court to so order.

TABLE OF AUTHORITIES

The following Table of Authorities lists authorities cited in the Memorandum in Support of Heisler’s Motion for Summary Judgment and for Declaratory Judgment, Exhibit E, stricken from the September 1, 2021 motion docket *sua sponte* on August 13, 2021. Authorities cited only in the Writ Application are marked (*) in the margin.

CASES:

<i>Broudy v. Mather</i> , 460 F. 3 rd 106 (D.C. Cir. 2006).....	1
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(*) <i>Centanni v. Ford Motor Company</i> , 636 So. 2d. 1153 (3 rd Cir. 1994).....	7
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<i>Milburn v. Proctor Trust</i> , 54 F.Supp. 989 (1944).....	<i>passim</i>
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<i>Wolff v. Selective Service Board</i> 16, 372 F. 2 nd 817 (2 nd Cir. 1967).....	2

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Louisiana Revised Statute 12:1354(A), <u>Transacting Business Without Authority</u>	3
(*) Louisiana Revised Statute 13:4232(A), <u>Exceptions to the General Rule of Res Judicata</u>	8
United States Constitution, <u>Fifth Amendment</u>	4
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OTHER AUTHORITIES

(*) ABA FORMAL OPINION 491.....	Exh.U
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Exhibit A Evidence that LOANCO was created 5/27/2020 and REO was created 11/26/2019;

Exhibit B Expedited Motion to Vacate the June 15, 2021 Order presented by LOANCO and the Chapter 7 Trustee *ex parte* substituting themselves and removing Regina Heisler in the case involving the \$2.1 million Schwab Investment Account;

Exhibit C Excerpt of March 10, 2021 teleconference when Regina Heisler asked to be sworn in to testify that she "...did not receive any money...;

Exhibit D-1 Excerpt of February 14, 2021 teleconference when Henry Klein asked for an evidentiary hearing;

Exhibit D-2 Excerpt of March 10, 2021 teleconference when Henry Klein stated "...this is one of the most inequitable cases I've ever seen. The lady did nothing wrong, nothing;

(*) Exhibit E Heisler Memorandum in Support of Motion for Summary Judgment and Declaratory Judgment filed August 10, 2021, struck from the motion docket by the District Court on August 13, 2021.

Exhibit F August 13, 2021 *sua sponte* Order VACATING the September 1, 2021 submission date for Heisler's MSJ;

Exhibit G Heisler Statement of Uncontested Material Facts filed with the August 10, 2021 MSJ;

Exhibit H-1 Creditor-Klein Objection to LOANCO POC-3;

7 Exceptionally key exhibits are marked (*) in the margin.

- (*) Exhibit H-2 Creditor-Klein Memorandum in Support of Objection to POC-3;
- (*) Exhibit I Debtor Objection to POC-3, based on lack of consideration;
- (*) Exhibit J August 13, 2021 Memorandum Opinion and Order: "...this Court OVERRULES the Klein Objection and the Heisler Objection and ALLOWS the Girod POC-3, as amended, in its entirety..." without a hearing⁸;
- Exhibit K Heisler pleadings filed by Girod (?) Favorable to Heisler;
- Exhibit L July 7, 2021 Klein Response to Order regarding finality of judgments;
- (*) Exhibit M-1 June 8, 2021 28 U.S.C. § 636 request that Magistrate-Judge Michael B. North be appointed empowered to conduct a *Chambers v. NASCO* investigation;
- (*) Exhibit M-2 Heisler Petition for Certiorari to The United States Supreme Court addressing Judge Schlegel actions, seeking enforcement of *Caperton v. A.T. Massey Coal* and *Henson v. Santander*;
- Exhibit N Times-Picayune documentary, *Mississippi developer alleged to be major player in loans that brought down First NBC Bank*;
- Exhibit O 844 Baronne Law Library abandoned when Trustee evicted all tenants;

8 At page 9, the Bankruptcy Court ruled (in bold print) that **Klein and Heisler Are Not Entitled to an Evidentiary Hearing**

Exhibit P Results of the FDIC sale of FNBC loans on November 13, 2017;

Exhibit Q Klein initial letter to FDIC liquidators advising that Regina Heisler was a victim and introducing the *ex turpi causa* Doctrine;

Exhibit R FIOA request for documentation on the bogus loans sold to LOANCO;

Exhibit S Website excerpt from Warbird Government and Financial Consultants who conducted due diligence for LOANCO and possibly Kean Miller;

(*) Exhibit T April 29, 2020 ABA FORMAL OPINION 491, warning lawyers against "...willful blindness..." when advising a potential client that is preparing to engage in fraud or criminality;

Exhibit U May 8, 2020 email from Klein to Kean Miller attorneys advising of ABA FORMAL OPINION 491 and requesting withdrawal of claims against Heisler;

Exhibit V Litany of 40 e-mails to Kean Miller for evidence of consideration and supporting documentation;

Exhibit W Motion for Full Disclosure by FDIC as to all loans, denied twice by Magistrate-Judge without explanation⁹;

Exhibit X New York Times expose, *Judge's Ruling Offers Peek Into Private Equity's Secret World*, referencing Texas Pacific Group ("TPG"), the vulture parent of LOANCO;

Exhibit Y Private Investigator Report on TPG at 301

9 There are just so many wars a sole practitioner in his mid-70s can wage.

Commerce Street, Fort Worth, Texas;

Exhibit Z Supreme Court Docket for 20-1361 Heisler Cert Petition, denied April 26, 2021;

Exhibit AA District Court August 12 order to provide a Hard Copy of supporting exhibits to Heisler's MSJ, stricken from the docket on August 13¹⁰;

Exhibit BB E-mail about 82 year old victim who was fleeced out of \$320K after her husband died;

Exhibit CC June 1, 2021 Kean Miller demand that Klein pay \$286,893.92 in ten days on a September 26, 2008 Guaranty of a Levy Gardens Note;

Exhibit DD June 15, 2021 filing of *Girod LoanCo v. Henry L. Klein*;

(*) Exhibit EE Peremptory Exception filed in the Succession Case regarding the "...chilling..." effect on Heisler's right to counsel by virtue of the threat to file *Girod LoanCo v. Henry Klein*

(*) Exhibit FF Klein affidavit regarding the threatened lawsuit¹¹;

Exhibit GG Eric Lockridge testimony to Louisiana State Bar Association describing LOANCO as a vulture fund that buys debt with the intent to sue the vulture-debtor;

(*) Exhibit HH Klein Opposition to Kean Miller's Rule 11 Motion, another ploy to "...reduce [Klein] to a state of exhausted compliance..." a tactic observed in *Chambers v. NASCO* at p. 41;

10 Within one hour, the binder was provided, with 30 compelling exhibits.

11 At page 2, the Affidavit chronicles years of fraud and ill-practices, a good start to FACTS NECESSARY TO UNDERSTAND THE ISSUES PRESENTED, *infra*.

Exhibit II Fourteen loans from 2010 to 2015 antecedent to the loans LOANCO purchased, showing Michael Lulich as the loan officer (which he wasn't) and Regina Heisler living at 209 LeGrande Bayou in Kenner in 2010 (which didn't happen until December of 2013)¹²;

Exhibit JJ April 27, 2021 Kean Miller demand that Heisler, Klein and anyone associated preserve documents from April 8, 2007 (one day after Fred Heisler died) to the present.

Exhibit KK Private Investigator report on 2100 McKinney Avenue, 15th floor, which LOANCO and REO show as their "...principal place of business..."

12 LOANCO has conceded the Heisler received no money. The "...new theory..." is that Heisler re-financed old notes. A fallacious theory: (1) it's not true; (2) no chain of evidence exists; (3) the alleged antecedent notes are not contained in POC-3; and (4) the LOANCO notes would be the fruits of a MICHAEL LULICH poisonous tree.

EXHIBIT M

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

21-30517

IN RE: REGINA BERGLASS HEISLER,

Petitioner

*On Petition for Writ of Mandamus and for Extraordinary and Expedited
Relief to the United States District Court for the Eastern District of Louisiana
in Case No. 2021-724-SM-MBN*

**EMERGENCY MOTION PURSUANT TO FIFTH CIRCUIT COURT RULE 27.3
FOR A STAY OF ALL ACTIONS AND/OR PROCEEDINGS DETRIMENTAL TO
THE INTERESTS OF PETITIONER, REGINA BERGLASS HEISLER
AND/OR THE SUCCESSION OF FREDERICK P. HEISLER
AND EXPEDITED CONSIDERATION OF THE PETITION**

Henry L. Klein (7440)
201 St. Charles Avenue
Suite 2501
New Orleans, Louisiana 70170
504-599-5661
henryklein44@gmail.com

Dated August 23, 2021



Pursuant Rule 27.3, the following deadlines face Heisler in the next 14 days. Three are imminent, four are date-specific before August 30. The nature of the emergency and the irreparable harm will follow *in italics*. Compliance Headings will be in dark blue.

IMPENDING DEADLINES

Imminent: On April 1, the Bankruptcy Court ordered all tenants and the Heisler family to vacate 844 Baronne Street by April 16, Exhibit A¹. On April 14, the Trustee sold 844 Baronne to Girod for \$1,800,000, Exhibit B-1. It was not until April 23 that the sale was approved, Exhibit B-2. Today, the property is on the market for \$2,049,000, clear of liens or future actions by third parties, Exhibit C. Neither Girod entity (LOANCO or REO) has assets nor a physical presence in the United States.

The damages will be irreparable. The Notice Address is c/o (“Care of”) Capital Crossing Servicing Company in Boston. The Secretary of State shows a Dallas address which our detectives exposed was a “virtual office”. Under the omnibus terms of the April 23 Order, no action will be available to the Succession or any third party². If 844 Baronne is sold tomorrow, no claw-back will exist and no money will be traced.

1 **IT IS FURTHER ORDERED** that the Trustee is authorized to change the locks and take possession of 844 Baronne on or after April 17, 2021, addressed to (i) The Law Offices of Henry Klein, (ii) Julie Klein Interiors, (iii) Kavanaugh & Rendeiro and (iv) Cardone Law.

2 At page 3, the third paragraph ordered that “...(i) all persons and entities holding and asserting interests of any kind and nature as of the date of this order with respect to 844 Baronne Street shall be forever barred from asserting such interests against Girod, its successors or assigns and 844 Baronne Street; (ii) that all interests existing as to 844 Baronne prior to the sale will be unconditionally released, discharged and terminated...” The remainder covered the universe of possible claimants.

Imminent: On May 11, the Bankruptcy Court approved a Trustee motion to "...settle the controversy..." as to the \$2.1 million in state court without Heisler. The split will be 99% to LOANCO and 1% to the estate, Exhibits D-1 and D-2. On June 16, the Trustee obtained an ex parte motion to "...be substituted as the party in interest for defendant Regina Berglass Heisler...", Exhibit E.

If the \$2.1 million is released to LOANCO, the money will go to the Cayman Islands to be divided among secret investors. The state court is being pressured to release the money.

Imminent: On June 22, Kean Miller filed a 305-page Rule 11 Motion for Sanctions against Regina Heisler and Henry Klein. The response was timely filed on June 29 and is ripe for ruling. This threat of sanctions is just another ruthless effort to get Henry Klein and Regina Heisler to stop fighting³.

"It has been held repeatedly that the mere threat of the imposition of unconstitutional sanctions will cause immediate and irreparable injury to the free exercise of rights as fragile and sensitive to the suppression of the freedom of speech and assembly as the right to vote.....It is the mere threat of unconstitutional sanctions which precipitates the injury, and courts must intervene at once to vindicate the threatened injuries.", Wolff v. Selective Service Local Board No. 16, 372 F.2d 817 (2d Cir. 1967).

2 See Petition: I. E-MAILS BORDERING ON EXTORTION

01/21/20: We expect the total deficiency to be over \$2MM after the sale of Baronne and application of the Schwab proceeds. The Heislers should expect Girod to pursue a deficiency claim if they continue fighting, page 13.

See also, Keyishian v. Board of Regents, 385 U.S. 589 (1964):

“...threats of sanctions are the most lethal enemies of the First Amendment...”

8/24/21: Civil Action 21-1343 is an action to “claw-back” 844 Baronne Street, Exhibit F. On August 16, Kean Miller filed a motion to dismiss set for submission September 1. Heisler’s opposition is due on or before August 24.

Unless this Court acts expeditiously, the “claw-back” action is in danger of dismissal. Girod objects to any extensions.

08/25/21: On June 23, the Bankruptcy Court stayed discovery *sua sponte*, forcing the Debtor to file a motion to complete the discovery. Creditor-Klein joined, questioning collusion, seeking an accounting and how much had already been sent to the Cayman Islands.

When discovery was stayed without warning, Girod had just 3 days left to answer interrogatories to prove that Heisler received consideration. She didn’t and Girod’s POC-3 has no evidence.

08/27/21: Heisler’s appeal from the DENIAL of Objections to and the allowance of “...POC-3 is due on or before August 27.

All of these travesties will disappear if this Court enforces Louisiana’s Door-Closing Statute, Revised Statute 12:1354(A), Milburn v. Proctor Trust, 54 F. Supp. 989 (1944) and Henson v. Santander, 582 U.S. __ (2017); the same applies to the enforcement of Caperton v. A.T. Massey

Coal, 566 U.S. 868 (2009)⁴.

08/30/21. On or before August 30, 2021, the Heisler family must respond to a settlement offer which would allow the Heislers to keep \$777,500 in assets, with LOANCO keeping over \$14,400,000, Exhibit H⁵.

The distraught family members are in a panic and are beginning to think the Trustee's offer looks good:

(1) Regina, the girls and Fred Jr. can keep the house where Reggie lives and a fishing camp.

(2) As a humiliating bonus, Regina can keep her rings, necklaces and pendants. To sweeten the deal, the Trustee will not take a 2006 Blackjack Boat, two sets of 2007 Yamaha Jet Skis and some vacant land worth very little.

FULL COMPLIANCE WITH THE RULE

Irreparable emotional and monetary damage. Fred Heisler left a \$15 million estate to his widow, 3 daughters and 1 son. A con-artist who bilked FNBC out of \$160 million using innocents can't serve enough time. Judgments can't be collected from vultures. The FDIC recklessly sold \$414 million in loans to a prohibited "...silo- structured..." vulture fund. Swift action here will pay homage to Justice FRANKFURTER's vision that "...Justice must satisfy the appearance of justice..." in Offutt v. United States, 348 U.S. 11 (1954).

4 In Caperton, SCOTUS vacated all orders by a judge seeking a seat on the West Virginia Supreme Court who accepted large contributions from a litigant. Here, Judge Schlegel accepted \$47,500 from Kean Miller and Kean Miller-clients when he DENIED Heisler relief.

5 The Trustee's settlement offer makes no mention of Girod LoanCo, LLC v. Henry Klein, filed June 15 seeking \$286,893.92, more muscle-flexing if we "...don't stop fighting..."

Certification of truthfulness. This case has been so bizarre that the Petition for Mandamus included undersigned counsel's § 1746 Declaration Under Penalty of Perjury, prefacing his signature with the words "*So Help Me God*". That solemn oath stands. On the other hand, Kean Miller and its lawyers mocked ABA FORMAL OPINION 491 and LOANCO secured the initial writ of seizure cascading Regina Heisler's constitutionally-protected rights. Should this Court release Regina Heisler from vulture fund captivity, an independent investigation would pay homage to Justice WHITE's vision in *Chambers v. NASCO*, 301 U.S. 32 (1991), at 44⁶:

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... involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public (internal citations omitted).

The date by which action is believed to be necessary. Every day increases the level of despair by the Heisler family. Nonetheless, court proceedings are moving at a frantic pace. Three prejudicial actions are imminent and four date-specific matters materialize in the next 7 days. At a minimum, a Stay should issue to all parties and to the three courts processing cases against a victim of FNBC criminality. For good reasons, this Court can Stay *and* also grant prompt succor to the Heislers, who did nothing wrong.

ISSUES PRESENTED: THREE SILVER BULLETS

[1] Given the clear application of Louisiana's Door Closing Statute, La. R.S. 12:1354(A), and the binding precedent from *Milburn v. Proctor Trust* and *Henson v. Santander*, does this Court need to go any further in order to declare that all judgments gained by LOANCO are absolute nullities?

6 Justice WHITE used the term "...inherent power..." or derivatives 68 times.

No! LOANCO broke the law. Not just any law, but one promulgated to protect the public interest as Louisiana Civil Code Article 7 mandates. The Louisiana Statute is crystal-clear and Declaratory Judgment Act enforcement will end this travesty immediately.

As well-put in *Wilton v. Seven Falls Co.*, 515 U.S. 277 (2000), at 288:

“By the Declaratory Judgment Act, Congress sought to place a remedial arrow in every district court's quiver; it created an opportunity, rather than a duty, to grant a new form of relief to qualifying litigants.”

Although this should have been the easiest aspect of the case, it has inexplicably evaded Regina Heisler. This Court can enforce the black-letter of the law:

12:1354 Transacting Business Without Authority

(A) 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 and as provided in, this Chapter.

At first, LOANCO claimed to be a “...debt collector...”, which gets an exemption.

Palpably False: LOANCO was a “...DEBT OWNER...”, not a debt-collector for others, as Justice GORSICH decided for a unanimous Court in *Henson v. Santander*, *supra*. On May 27, 2020, LOANCO qualified, attempting an ex-post-facto cure. *Milburn v. Proctor Trust* nixed that illusionary concept in 1944.

[2] Given the clear application of *Caperton v. A.T. Massey Coal* to the conduct of Judge Scott U. Schlegel, does this Court need to go further in order to declare his writ of seizure an absolute nullity?

No! The treatment Regina Heisler and Henry Klein received from Judge Schlegel was unprecedented. The details are so voluminous that this Court is urged to consider

Heisler's Petition at SCOTUS Docket 20-1361. The Bankruptcy Court insisted that Judge Schlegel "...ruled..." when he signed the Kean Miller writ *ex parte*. **Palpably false:** Ruled on what? Three days after Heisler filed a compelling Exception of No Right of Action based on La. R.S. 12:1354(A), *Milburn v. Proctor Trust* and *Henson v. Santander*, Kean Miller contributed \$2,500 to the Shlegel campaign. Schlegel denied the exception and ordered Henry Klein to file no further pleadings without his approval are "...you will be charging yourself [with contempt]...", Petition to SCOTUS, Writ Exhibit M-2

[3] Given the undisputed evidence that Regina Heisler received no money, does this Court need to go further in order to grant judgment declaring that the notes LOANCO purchased from the FDIC on November 13, 2017 are unenforceable as to Regina Heisler, The Succession of Heisler and Henry Klein?

No! This is the most fundamental defense in a negotiable instrument case. All Courts below stopped thinking at the sight of Regina Heisler's signature on fraudulent notes.

TELEPHONE CALL TO CLERK AND OPPOSING COUNSEL

Prior to filing, undersigned counsel telephoned the Clerk of Court, at least one lawyer representing Girod LOANCO and REO, the United States Trustee, the Chapter 7 Trustee and his counsel and sent an e-mail communication to same, Exhibit I.

SERVICE

All persons described above have received this motion and exhibits with the e-mail communication made Exhibit I.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury, that the foregoing is true and correct,

So Help Me, God


Respectfully submitted,

/s/ Henry L. Klein
Henry L. Klein (7440)
201 St. Charles Avenue
Suite 2501
New Orleans, Louisiana 70170
504-599-5661
henryklein44@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of this Emergency Motion has been served on all Interested Persons or Entities set forth in the Petition for Mandamus this 23rd day of August, 2021 through e-mail or hand-delivery prior to 12:00 o'clock noon.

/s/ Henry L. Klein

CERTIFICATE OF COMPLIANCE

I certify that this Emergency Motion complies with Rule 27.3 in all respects and contains 1939 words using Times New Roman font size 13.

/s/ Henry L. Klein

EXHIBIT N

United States Court of Appeals
for the Fifth Circuit



No. 21-30517

A True Copy
Certified order issued Aug 24, 2021

Syle W. Clegg
Clerk, U.S. Court of Appeals, Fifth Circuit

IN RE: REGINA HEISLER, AS THE EXECUTRIX OF THE
SUCCESSION OF FREDERICK P. HEISLER,

Petitioner.

Petition for a Writ of Mandamus
to the United States District Court
for the Eastern District of Louisiana
USDC No. 2:21-CV-724

Before SMITH, HIGGINSON, and WILLETT, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that the petition for writ of mandamus is DENIED.

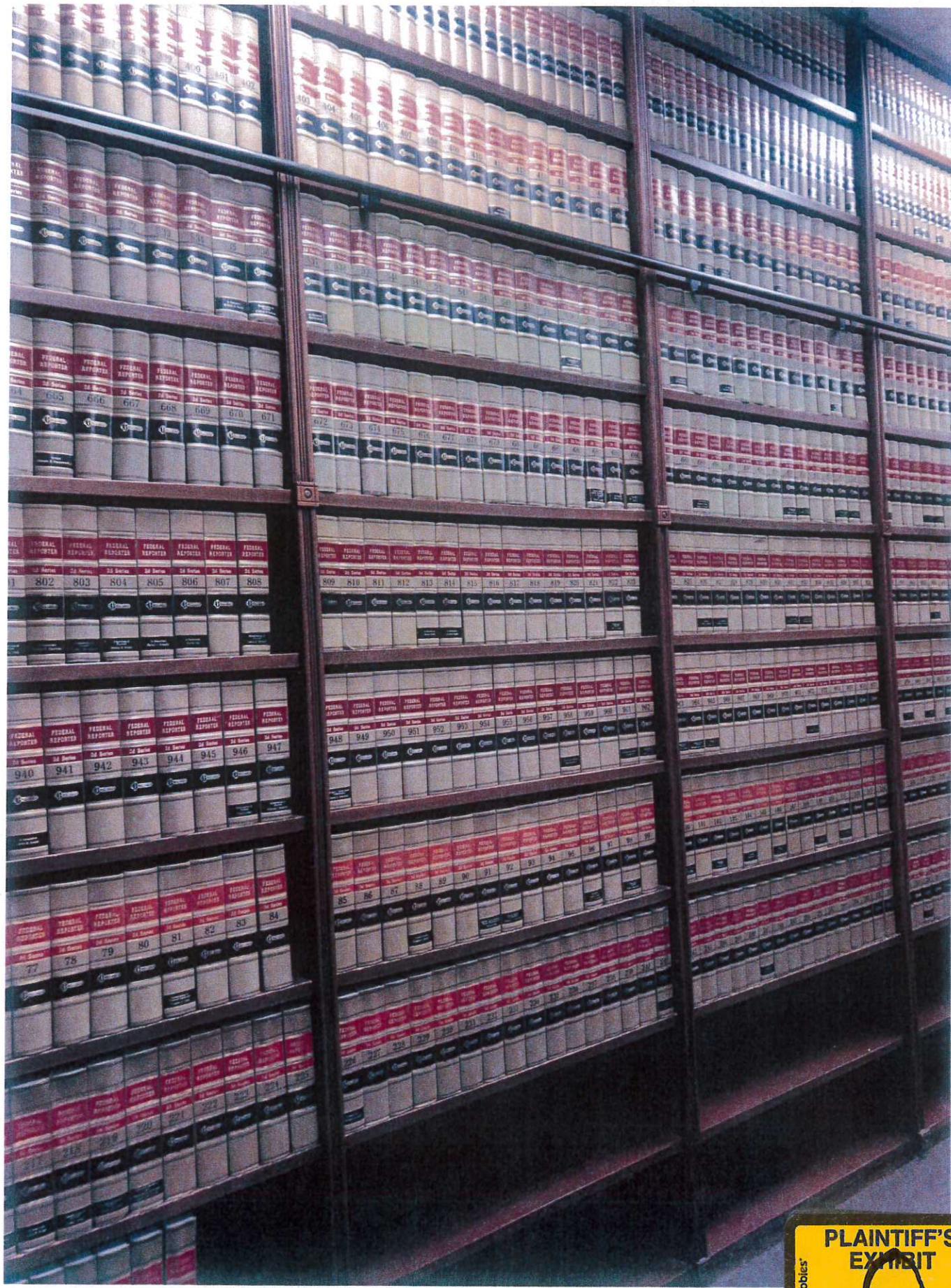
IT IS FURTHER ORDERED that petitioner's motion for stay of all seizures pending ruling on petition for writ of mandamus is DENIED as moot.

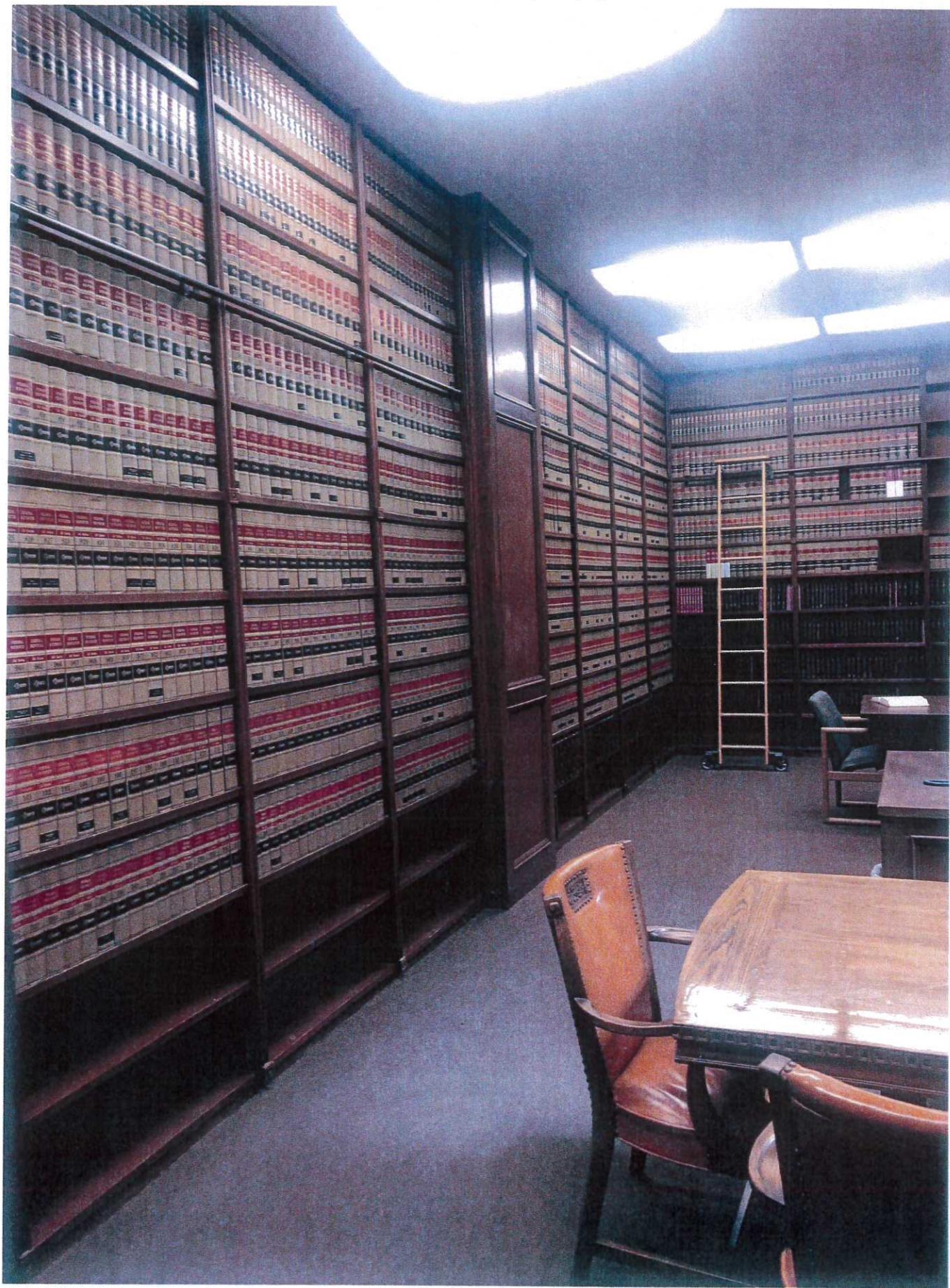
IT IS FURTHER ORDERED that petitioner's motion to stay all actions and/or proceedings detrimental to petitioner pending ruling on petition for writ of mandamus is DENIED as moot.

IT IS FURTHER ORDERED that petitioner's motion for an expedited ruling on the petition for writ of mandamus is DENIED as moot,



EXHIBIT O









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EXHIBIT P

March 21, 2021

Judge Grabill

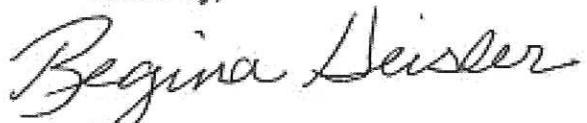
Dear Judge Grabill:

I do not object to Mr. Klein's proof of claim. It should not be rejected because of Eric Lockridge's objection. Henry Klein has been very valuable to my family and the Succession and deserves to be paid. Everything he does is to protect my family.

There are no conflicts between Henry Klein and the Heisler's. He is the only person that is trying to protect me and the Succession. Bill Babin will not file what I have asked of him. I am a pro se debtor because Eric Lockridge has all my money and assets tied up. I have no money to hire a lawyer and my daughter has to pay most of my bills.

I thought bankruptcy was supposed to protect me. The only person that seems to be being protected is Eric Lockridge because he lies to this court and I can't get a hearing to speak my truth. Again, I didn't receive any money. I am asking again to please reinstate the stay.

Sincerely,



Regina Heisler

3/4/2022

Dear Judge Grabill:

I want to take an oath and get a hearing. My letter to Mr. Babon was ignored. I didn't get any money and Eric Lockridge is lying.

Regina Heisler

Dear Mr. Babin

I would like for you to file lawsuits against the people who have damaged me and the succession and have committed wrongs. That means that I request that you are to file a lawsuit on my behalf against the following defendants:

David Halpern

Eric Lockridge

Kean Miller

all lawyers in the Kean Miller firm that have lied to every court which has considered my case.

I did not get any money, and they all told the courts that I did. I never intended to borrow the monies I am being sued to repay. I never realized that I was being used in a criminal scheme by Gary Gibbs. I received nothing of value and those lawyers know it.

I also ask that you file suit against Judge Schlegel and Marka Hamilton. Henry Klein has found a Louisiana Supreme Court case that supports it. You also need to sue the Sheriff of Jefferson Parish and all of the employees that backdated the Sheriff's deed in favor of Girod REO.

Please also sue Victory Properties. They have been made aware that these are all wrongful seizures. Victory has refused to talk to my lawyer and has refused to account for the money that they collected and sent to unknown sources.

Please also include Stirling Properties. They have been collecting payments and doing nothing other than depositing the money in some account.

These are serious lawsuits that

have cost me and my family
hundreds of thousands and may
cost millions of dollars, not to
speak of the agony that I have
been put through.

Thank you very much

Regina B Keisler

EXHIBIT Q

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

REGINA BERGLASS HEISLER

CASE NO. 20-11509

AMENDED PROOF OF CLAIM NUMBER 4

Henry L. Klein, Creditor-4, hereby amends his Proof of Claim Number 4 as follows:

**Proof of Claim Number 4 is reduced from \$800,000.00
to Eight Hundred (\$800.00) Dollars and No Cents.**

The reason for the amendment is that if POC-3 is *not* disallowed, there will be nothing left in the Estate. Additionally, the reduction minimizes any perceived conflict-of-interest and should eliminate the need to try the pending Objection to POC-4 as a matter of judicial economy. By this pleading, Girod LoanCo is asked to withdraw its Objection to POC-4.

Respectfully submitted,

/s/ Henry L. Klein
Henry L. Klein
201 St. Charles Avenue, Suite 2501
New Orleans, LA 70170
(504) 599-5661
henryklein44@gmail.com

CERTIFICATE OF SERVICE

I certify that the pleading entitled Amended Proof of Claim Number 4 has been served on all counsel and parties through the Court's ECF System or to the parties not enrolled by e-mail delivery this 8th day of July, 2021 at the addresses listed below:

Christy Renee Bergeron
United States Trustee at Christy.Bergeron@usdoj.gov

Frederick L. Bunol
Counsel for Trustee Wilbur J. Babin at fbunol@derbeslaw.com

J. Eric Lockridge
Counsel for Girod LoanCo, LLC at eric.lockridge@keanmiller.com

Office of the U. S. Trustee
U.S. Trustee at USTPRegiono5.NR.ECD@usdoj.gov

Wilbur J. Babin
Chapter 7 Trustee at trusteebabin@wjabin.com

Darryl Landwehr,
Counsel for Debtor at dlandwehr@att.net

/s/ Henry L. Klein