

White was acting in an administrative capacity when he demoted and discharged Forrester. Those acts — like many others involved in supervising court employees and overseeing the efficient operation of a court — may have been quite important in providing the necessary conditions of a sound adjudicative system. The decisions at issue, however, were not themselves judicial or adjudicative.”

The Defendants when they committed their acts of fraud were not acting under their capacities under a 12th Amendment Proceeding, rather they turned the Proceeding into a fraudulent administrative act in order to disavow any claims of voter fraud that invariably completed the success of a possible rigged Election. Again, a 12th Amendment Proceeding is not available under acts of fraud.

For the said reasons, Defendants in this case have no immunity of any kind, therefore this Court has subject matter jurisdiction to hear this case.

BRUNSON CAUSES OF ACTIONS MUST STAND

On October 8, 2021, in case no. 2:21-cv-175 Loy Arlan Brunson's leave of court to file his Third Amended Complaint was granted (ECF 33). This moots Defendants argument that it wasn't allowed to be filed.

What does fraud vitiate in this case? To this question Defendants give no argument, instead they burden the Court with over 55 cases in their motion in support of their argument that Brunson failed to state a claim whereupon relief can be granted, and that Brunson has no standing, and that Defendants have sovereign immunity, and that Brunson did not establish compliance with any waiver of sovereign immunity, and that Brunson did not get any waiver for Constitutional claims, no waiver for promissory estoppels claims, no waiver for any tort claims, and that Brunson lacks Article III standing, and that Brunson's claims are barred by absolute legislative immunity, and that Brunson does not have personal jurisdiction over members of congress not from Utah.

Defendants do not touch or disturb the following irrefutable facts alleged in the Complaint;

1. The fact that Article IV Section IV of the U.S. Constitution states, "The United States shall guarantee to every State in this Union a Republican Form of Government." Voting is the greatest power an individual can exercise in a Republic; it is their voice and the way citizens protect their Constitutional rights and the U.S. Constitution. See ¶ 71 of the Complaint.

2. That an honest and fair election can only be supported by legal votes, this is sacred. It is the basis of our U.S. Republican Form of Government protected by the U.S. Constitution. The efforts made, as stated in the Complaint, that avoided an investigation of how Biden won the election, is an act of treason and an act of levying war against the U. S. Constitution which violated Brunson's right to vote in an honest and fair election and as such it wrongfully invalidated his vote.

3. Acts of Congress, or case law like those cited in Defendant's motion cannot proceed or have merit when they support treason, acts of war or the violations of our inherent (God-given) rights. Complaint at ¶ 18 & 19.

4. The only laws Congress has the power to enact are those that protect our inherent rights. Complaint at ¶ 20.

5. The U.S. Constitution was written with honor, respect and recognition of our Lord Jesus Christ as memorialized in Article VII Clause 3 which states, “. . . in the Year of our

Lord . . .”, and as such the Defendants have sworn an allegiance to the author of our freedoms and liberties; our Lord Jesus Christ. Complaint at 23.

6. The founders of The U.S. Constitution expressed that this document, The U.S. Constitution was the very instrument set up by God to protect our God-given unalienable rights. Complaint at 28.

7. The plenary power of Amendment IX of the U.S. Constitution nullifies any kind of legal protection that an

enemy against the U.S. Constitution claims to have.

Complaint at 29.

8. The plenary power of Amendment IX nullifies any interpretation of Amendment XII that would keep Defendants from investigating the claims of voter fraud.

Complaint at 30.

9. A rigged election is an attack against the U.S. Constitution especially against the equal protection clause of the 14th Amendment of the U.S. Constitution. Complaint at 31.

10. Despite the claims of evidence that the November 3, 2020 U.S. Presidential general election was fraudulent, affecting the President of the United States, the Vice President of the United States and members of the United States Congress, the Defendants intentionally voted against investigating the claimed evidence and conspired to cover up the "evidence" to fraudulently have Joseph Robinette Biden Jr. ("Biden") inaugurated as President and

Kamala Harris (“Harris”) inaugurated as Vice President.

Complaint at 32.

11. This act of conspiracy has the same end result as an act of war; to place into power whom the Defendants want, which in this case is Biden. Complaint at 33.

Defendants (Congress) would like this Court to believe that their vote against investigating the claims of fraud of a rigged Election does not vitiate their immunity claims because they created and voted for their own immunity claims.

Defendants promissory estoppel argument is misleading at best. Defendants, out of context cited a small fragment of the case of *Heartland Biogas, LLC* as though it supports their argument as an apparent attempt to mislead the Court when in fact the full context of the case supports Brunson's claims for promissory estoppel. The case states “Under Colorado law, “[t]he elements of a promissory estoppel claim are: (1) the promisor made a promise to the promisee; (2) the promisor should reasonably have expected

that the promise would induce action or forbearance by the promisee; (3) the promisee in fact reasonably relied on the promise to the promisee's detriment; and (4) the promise must be enforced to prevent injustice." Obviously Defendants have failed to show that Brunson's promissory estoppel claims are not proper when in fact they are.

CONCLUSION

WHEREFORE, as clearly demonstrated above, all of Defendants' immunity claims fail as a matter of law, and Defendants' fail to demonstrate that Brunson's claims did not satisfy Rule 8. Therefore Defendants' motion must be dismissed with an order that Defendants are to answer the Complaint within 10 days.

Humbly submitted this the 13th day of December, 2021.

/s/ Raland J Brunson
Raland J Brunson
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2021 I personally placed in the United States Mail to the individuals named below a true and correct copy of **OPPOSITION TO MOTION TO DISMISS FOR LACK OF JURISDICTION AND FAILURE TO STATE A CLAIM FOR RELIEF.**

ANDREA T. MARTINEZ
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/s/ Raland Brunson
Raland Brunson