

22-5656

ORIGINAL

No. \_\_\_\_\_

FILED

SEP 19 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Ryan Dean

— PETITIONER

(Your Name)

VS.

Flanagan et al

— RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Third Circuit (21-2396)

(Exhibit 1)

State Case ESX-L-984-A

(Exhibit 2)

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

, or

☐ a copy of the order of appointment is appended.

[Signature]  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Ryan Dean, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): <u>Friends</u>	\$ <u>1,500</u>	\$ _____	\$ <u>1,500</u>	\$ _____
<u>3 Family</u>	\$ <u>1,500</u>	\$ _____	\$ <u>1,500</u>	\$ _____
<b>Total monthly income:</b>	\$ <u>1,500</u>	\$ _____	\$ <u>1,500</u>	\$ _____

Spouse and I separated at this time

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ 306,80  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
checking	\$ 306,80	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home  
Value N/A

☐ Other real estate  
Value N/A

☐ Motor Vehicle #1  
Year, make & model N/A  
Value \_\_\_\_\_

☐ Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

☐ Other assets  
Description N/A  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>0</u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>                    </u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>                    </u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>                    </u>
Food	\$ <u>750</u>	\$ <u>                    </u>
Clothing	\$ <u>0</u>	\$ <u>                    </u>
Laundry and dry-cleaning	\$ <u>50</u>	\$ <u>                    </u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>                    </u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>100</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>Ø</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>Ø</u>	\$ _____
Life	\$ <u>Ø</u>	\$ _____
Health	\$ <u>Ø</u>	\$ _____
Motor Vehicle	\$ <u>Ø</u>	\$ _____
Other: _____	\$ <u>Ø</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>Ø</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>Ø</u>	\$ _____
Credit card(s)	\$ <u>Ø</u>	\$ _____
Department store(s)	\$ <u>Ø</u>	\$ _____
Other: _____	\$ <u>Ø</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>Ø</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>Ø</u>	\$ _____
Other (specify): <u>Installment Plan IRS</u>	\$ <u>200.00</u>	\$ _____
<u>Supplies such as Paper, postage</u>	\$ <u>400.00</u>	\$ _____
<u>toner for printers</u>	\$ <u>1500.00</u>	\$ _____
<b>Total monthly expenses:</b>		

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes

☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes

☒ No

If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

The writ explains in detail that I have been 'subject to devastation extortion over the last 5+ years

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

Executed on: September 19, 2022 ~~2022~~ PM

  
(Signature)

## Exhibit '1'

## Exhibit '2'



**FILED**

10:09 am, Jun 27, 2022

**RYAN DEAN**

**Pro Se**

**3540 W. Sahara Ave, 752**

**Las Vegas, NV, 89102**

rcic20xx@gmail.com

**LISA BISSELL,**

**Plaintiff,**

**v.**

**SAGA GLOBAL CAPITAL MANAGEMENT,  
LLC, RYAN DEAN, individually and in his  
official capacity, KEVIN KLASSEN,  
individually and in his official capacity,  
ABC Corps, 1-5 (fictitious entities), and  
John Does, 1-5 (fictitious names)**

**Defendants**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY**

**DOCKET NO. ESX-L-984-19**

**CIVIL ACTION**

**ORDER**

THIS MATTER having been brought before the Court on the  
for a fee waiver;  
~~Reconsideration~~ Motion of Defendant(s), and the Court having considered the  
papers submitted and any opposition thereto, and for good cause having been  
shown;

IT IS on this 27<sup>th</sup> day of June, 2022

ORDERED that Defendant Dean is now granted a fee waiver for this matter  
pursuant to NJ Ct R 1:13 and NJ Ct R 2:7.

, per the Rules of Court.

This order shall be served on all parties within 7 days of this order.

*/s/ Robert H. Gardner, JSC*  
HON. ROBERT H. GARDNER, J.S.C.  
Judge

       Opposed  
  X   Unopposed

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22-5656

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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RYAN DEAN,

*Petitioner,*

v.

ROBERT FLANAGAN, DARREN BARREIRO,  
CHRISTOPHER ADAMS, CHARLES VACCARO,  
AND GREENBAUM, ROWE, SMITH, AND DAVIS,  
LLP

*Respondents.*

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On Petition for a Writ of Certiorari to the United  
States Court of Appeals for the Third Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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RYAN DEAN  
3540 W. Sahara Ave, 752  
Las Vegas, NV, 89102  
Tel: 212.390.8411  
Email: rcic20xx@gmail.com  
Pro Se

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### QUESTION PRESENTED

Petitioner Ryan Dean was falsely accused of a vile sexual assault that was disguised as a reprehensible extortion plot under terms of conspiracy that destroyed his life, business, and property. Dean has had a 20+ year medical condition that foreclosed on the possibility of the sexual assault – as well as a heap of documented perjury and fraud with respect to the extortion plot. Dean contends that the perpetrator of the false accusations was paid financed by third parties subject at this time to 2:21-cv-09770-MCA-ESK.

There is also a plague sweeping the land in Family Courts and otherwise - of blatantly false accusations of sexual impropriety against (largely men) from women. The suicide rates of men accused of any sexual impropriety is disproportionately high. This is a matter of National Importance.

For comparative purposes, many such as those in the LGBTQ community have made *well deserved* strides in obtaining/enforcing their rights for equal employment, for instance. On the other hand, when a person is falsely accused of sexual impropriety, after proven, and (well) *after* that person's life (and perhaps business if they had one was destroyed) - should that falsely accused person be given special protections to help restore their lives? That falsely accused person loses so much more than *merely* employment opportunities. False Accusations of Sexual Assault are devastating in

nearly every respect in the victim (and family's lives) – as they were intended to be.

### Questions

1. Should there be protections put in place that protect (largely) men from blatantly false accusations of sexual impropriety pursuant to 28 USC § 1985(3) or other measures? As soon as the accusation is made the accused person's life/business/property is almost immediately in tatters.
2. Should Officers of the Court Be Allowed to Lie To the Federal Court on material items to escape Justice and conceal their involvement in extortion & Civil RICO et al simply because it is a Pro Se Litigant that has tabled it? Is Perjury and Subornation of Perjury (under terms of conspiracy) a RICO Predicate Act – as the Circuit Courts seem to greatly differ on the subject and this needs clarification.
3. Federal Rule of Civil Procedure 60 interpretation seems to have a wide variance in the Circuit Courts in determining what a "Fraud on the Court" is and this Litigant submits that this Court ought to set a definitive standard for R. 60(b) and R. 60(d) – and how it interacts with the "Crime Fraud Exception," the "Litigation Privilege," and the "Attorney Client Privilege." What are the standards because in this case? Petitioner has also submitted medical

evidence that forecloses on the possibility of a sexual assault – is that “clear and convincing?”

4. Should a Litigant lose his rights because of a plain error of the Court with respect to the filing of documents and not be allowed to combine this matter with the other co-conspirators in 2:21-cv-09770-MCA-ESK?
5. Petitioner's Equal Protection of the Law, Full Faith and Credit, and Collateral Estoppel rights have not been upheld. Petitioner's Noerr-Pennington Doctrine Exception was not opined upon. The Third Circuit's standard to not extend Litigation Privilege in cases of systematic fraud (See Williams v. BASF Catalysts LLC, 765 F. 3d 306, 318 (3d Cir. 2014)) as well as other precedents set by other Circuit Courts was overlooked. Petitioner respectfully requests this Court's supervisory power to set a directive to all lower Courts that the Constitution, Statutes, Precedents, and Court Rules still apply when accusations of sexual impropriety are made - and that “Guilt by Accusation” is not the “new” law of the land.

## **PARTIES TO THE PROCEEDINGS AND RELATED CASES**

The Petitioner in this case is Ryan Dean, an individual. Petitioner was the Plaintiff and Appellant below. Ryan Dean is Petitioner's legal name.

The Respondents are Robert Flanagan, Darren Barreiro, Christopher Adams, Charles Vaccaro – all four men being individuals - and “Greenbaum, Rowe, Smith, And Davis, LLP”, a Partnership. The Respondents were Defendants and Appellees below.

Note: “Flannigan” was the name that appeared in the transcript - and in turn originally used in the caption in the District Court, but the correct spelling is “Flanagan.”

### ***Related Cases***

*Bissell v Saga Global Capital Management, LLC et al*,  
USDC-NJ, 2:20-cv-07393-MCA-LDW (remanded to  
NJ State Case ESX-L-984-19)

*Bissell v Saga Global Capital Management, LLC et al*,  
NJ State Case ESX-L-984-19 (ongoing and connected  
to 2:20-cv-07393-MCA-LDW)

*Dean v J. Bissell et al*, 2:21-cv-09770-MCA-ESK  
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**PETITION FOR A WRIT OF CERTIORARI**

Petitioner Ryan Dean (“Dean”) respectfully petitions this Court for a Writ of Certiorari to review the Judgments of the United States Court of Appeals for the Third Circuit (“Third Circuit”) in this case.

**OPINIONS BELOW**

The Order of the Third Circuit (not precedential) dismissing Dean’s appeal is cited by “Dean v. Flannigan, No. 21-2396 (3d Cir. Mar. 11, 2022),” and is reproduced at page 5a in the Appendix. The Order of the Third Circuit (June 21, 2022) denying Dean’s timely petition for an initial re-hearing *En Banc* with respect to the March 11, 2022, Order, is reproduced in 10a, and appears to be unpublished. The Orders of the USDC-NJ are (i) Letter Order (Doc 21) of 10/01/20 dismissing the case pursuant to respondents’ Fed. R. Civ. Proc. R. 12(b) motion, (ii) Order (Doc 39) of 05/28/21 dismissing the Motion for “Fraud on the Court To Vacate the Order of October 1, 2020” (“FOC”) (Doc 22-2), (iii) Order (Doc 39) of 06/23/21 denying Dean’s request for a stay and other relief in the proceeding (“Stay”), and (iv) Order (Doc 44) of 07/13/21 denying a request to consolidate two other proceedings into one proceeding (“Consolidation”). Each order (i)-(iv) is reproduced in 14a, 20a, 25a, and 27a respectively.

### JURISDICTION

Dean timely filed the FOC in District Court, as well as the Stay, and Consolidation Motions and appealed on time. This Court has jurisdiction pursuant to Article III, Section II of the Constitution, 28 U. S. C. § 1254 & 28 U.S. Code § 2101(c).

### CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

TITLE 28 - JUDICIARY AND JUDICIAL  
PROCEDURE, 28 USC § 1915 Proceeding in forma  
pauperis. Under 28 USC § 1915(e)(1) - The court may  
request an attorney to represent any person unable to  
afford counsel.

Article IV, Section 1 of the Constitution of the United  
States: Full Faith and Credit shall be given in each  
state to the public acts, records, and judicial  
proceedings of every other state....and the effect  
thereof.

Amendment XIV, Section 1, All persons born or  
naturalized in the United States...nor shall any state  
deprive any person of life, liberty, or property, without  
due process of law; nor deny to any person within its  
jurisdiction the equal protection of the laws.

Commerce Clause, Article 1, Section 8, Clause 3 of the  
U.S. Constitution, which gives Congress the power "to  
regulate commerce with foreign nations, and among the  
several states..."

"18 U.S. Code § 1951 (Hobbs Act) - Interference with commerce by threats or violence (a) **Whoever in any way or degree obstructs...or affects commerce...by... extortion or attempts or conspires so to do...in furtherance of a plan or purpose to do anything in violation of this section...**"

18 U.S.C. § 371 (Conspiracy), 28 USC § 1985(3) (Conspiracy to Interfere With Civil Rights) & Obstruction of Justice 18 U.S.C. § 1503.

### INTRODUCTION

The purpose of this appeal is to correct a *manifest injustice* - and *reverse* the decisions of the lower courts dismissing this case. In addition to the *newly* discovered *material evidence* that was fraudulently concealed and lied about by "*officers of the court*," there is also new evidence utterly exposing the extortion plot. Petitioner requests this instant case be sent back down and combined with 2:21-cv-09770-MCA-ESK ("09770") in USDC-NJ so that the entire transaction can be evaluated.

The one that is subject of a conspiracy for extortion takes Ryan Dean ("Dean") (and his company and a third party) only found out the details of the scheme to defraud far after the plan has been plotted, hatched, executed - and damage done. The conspiratorial extortion scheme to defraud had a starting point and a finishing point (if there is one) but the finishing point - from Dean's perspective - was the beginning, and Dean

had to discover all of the details in *reverse*. It is like being involved in and subject to:

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"A conspiracy need not be shown by proof of an explicit agreement... a conspiracy by its very nature is a secretive operation, and it is a rare case where all aspects of a conspiracy can be laid bare in court with the precision of a surgeon's scalpel." *United States v. Snow*, 2006 WL 2529470, at \*9 (2d Cir. Sept. 1, 2006) (quotations omitted); see also *United States v. Mulder*, 273 F.3d 91, 109 (2d Cir. 2001). *United States v. RW Professional Leasing Services Corp.*, 452 F. Supp. 2d 159, 175 (E.D.N.Y. 2006)."

As a pertinent threshold matter ("Time To File Err") – Dean respectfully submits that the Third Circuit plainly erred in not considering Dean's appeal nor FOC as timely filed (7a, ¶ 2-3) – and therefore a whole slew of Dean's Due Process (and Substantial Due Process) rights were denied, for instance.

The Order denying the FOC in USDC-NJ was dated 05/28/21. On May 25, 2021 – 28 days later and on time - Dean filed his Stay motion in USDC-NJ (Doc 41-2) that also referred to Fed. Rule of Civ. Proc. 52, 52(b) & 59, in ¶ 3, 7, 16, 59, 61 & 68, and were in accordance with the Fed. App. Rules of Civ. Proc. 4(a)(4)(A)(ii)(iv) to toll the time to appeal. The FOC materials showed the plot. Note: Any emphasis herein is by Dean.

This means that to establish prejudice on plain error...reasonable probability is a probability "sufficient to undermine confidence in the outcome." United States v. Dominguez Benitez, 542 U.S. 74, 83, 124 S.Ct. 2333, 159 L.Ed.2d 157 (2004) (citing Strickland v. Washington, 466 U.S. 668, 694, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) United States v. Garcia, 906 F.3d 1255, 1267 (11th Cir. 2018)

Petitioner Dean filed suit against 'atty' Robert Flanagan ("Flanagan"), 'atty' Darren Barreiro ("Barreiro"), and their law firm Greenbaum, Rowe, Smith, and Davis LLP ("Greenbaum"), collectively known as "GG" in 2:19-cv-18255-MCA-LDW ("18255") in USDC-NJ for their crime, furtherance of crime, and acts/omissions, Civil RICO (Federal and State), and other tort violations in "representing" Lisa Bissell ("Bissell"). GG heard the phrase "hedge fund manager," and said: "Let's Extort." They affirmed to one judge in the *ex parte* hearing that Bissell had proofs (39a) against Dean - and in the end had nothing but changing stories. It was *sham* "litigation" from the beginning.

Dean is the one who has poured the evidence into the case and the latest is his Surgeon's Expert Medical Report (43a) *foreclosing on a possibility* of any sexual assault on the night of February 7, 2017 - totally exposing the extortion plot. See Dean 20+ year medical history with the same medical issues (51a).



Back in 2017, GG used sophism and their knowledge of the legal system – to *suborn egregious perjury* - and hid behind the “Litigation Privilege” (“LP”) to utterly pervert the NJ – Prevention of Domestic Violence Act (“PDVA”) – and did succeed in shutting down the impending launch of Dean’s Saga Global Capital Management LLC (“Saga”) and hedge fund (operating in NY) – and the years of work, effort, and momentum to get to that point to make Saga launch ready were lost. Dean is out tens of millions of dollars for GG’s part in this *extortion stunt that definitely affected interstate/international commerce*.

This case has it all. Provable willful lying to a federal Judge by “officers of the court” on a material issue(s). Fraud on the Court. False accusations of rape and constant threats B/E, re-rape, and mass murder. Confederating lawyers suborning perjury for lawyer fees and extortion takes. Obstruction of Justice. Civil State and Federal RICO. Extortion. Abuse of Process. Noerr-Pennington Exception for Sham Litigation. Third Party Extortion. Conspiracy & more. There is conflicting case law by the differing Appeals Courts & the need for this Court’s supervisory power.

Perhaps most importantly: there is National Interest that this Court ought to address with the growing *plague* of false sex related accusations used as a sword sweeping the nation largely against men. When blatantly false accusations *are proven* - as are shown herein – there ought to be protection and redress

afforded to the victim whether that be done through 28 USC § 1985(3) or other lawful ends. False Accusations of sexual assault are devastating to the victim – as *intended*.

### STATEMENT OF THE CASE

Petitioner Dean, an American/Canadian Citizen, and hedge fund manager had his reputation, credit, health, financial licenses, business, and property – Saga utterly destroyed and devastated by the Extortion, Fraud, Conspiracy Campaign by GG et al. Dean is personally liable for debt for Saga that he cannot pay.

Dean – who has no criminal record - cannot ever “un-ringing the bell” as the whole world now knows that he was accused of a one-time *vile* sexual assault (02/07/17) and supposedly constantly threatening Bissell, Dean’s former dating interest, with B/E, re-rape, and mass murder each and every time they met face to face or spoke on the phone during the period of 02/08/17 to 05/01/17. Dean was in Asia and not even communicating with Bissell for more than half of the time in question (57a).

Despite ‘winning’ (63a & 67a) his NJ PDVA case on 09/29/17 - where Hon. Judge Carolyn Murray noted in pertinent part that Bissell had no physical evidence, the text messages told a ‘friendly’ and ‘business like’ (different) story (85a), and that Bissell had credibility issues – as well as Bissell did not appeal - Dean’s collateral estoppel rights were set aside, and Bissell

(with the help of GG) was allowed to relitigate (NJ ESX-L-984-19) the same fabricated sexual assault as well as add new fabricated stories of "employment complaints" - that are all now confessed/*admitted* frauds (141a).

Major exculpatory evidence was hidden from Dean and the Courts by GG in the form of the Police Report ("PR") (172a)

Dean finally received a copy (03/21) of the fraudulently concealed PR - that revealed the coordinated *criminal attempt* to unjustly imprison Dean into State Prison for a level 1 indictable rape (NJSA 2C-14-2b) - that Dean *physically* could not perform.

Beyond the heap of perjury and fraud Dean had already accumulated against GG et al (See pg 17 below) - the further *clear and convincing evidence* is that Dean's surgeon (52a) of some 15 years, in performing a second surgery on Dean's penis, on 07/25/22, removing likely (more) *pre-cancer*, noted Dean's emergency trip to the ER for a torn frenulum in 09/16 (which was still healing on the rape report date (02/07/17)). The surgeon with medical facts *foreclosed on the possibility* of Dean performing the vile sexual acts Bissell & GG fabricated and falsely accused Dean of - and there is *video* of the surgery to corroborate the surgeon's findings.

"...[D]ue process law is ... "so rooted in the traditions and conscience of our people...free from deliberate use of perjured testimony....", *Mooney v. Holohan*,

294 U.S. 103 (1935); Pyle v. Kansas, 317 U.S. 213 (1942) (18255, Doc 17, pg 56).

GG did not appeal Judge Murray's decision (09/29/17) within 45 days but instead was *plotting* with Bissell and Bissell's "new" set of lawyers - led by NJ 'atty' Dave Shivas ("Shivas") of Bell and Shivas, P.C., to fabricate another round of *new* stories far in advance of litigation - and is summarized in 09770 (181a) - which shocks the conscience.

As it relates to GG, there are three [see (1), (2), & (3) below] critical pieces of *new* evidence collectively defined as ("18 USC § 1503, §1512 & § 1513 violations") perpetrated under terms of conspiracy with Bissell and Shivas et al ("BS") that were discovered after the dismissal of 18255.

(1) there was a Protective Order ("PO") placed on Bissell by the Family Part Presiding Judge Katz on Bissell (193a) in the wake of "Darren C. Barreiro, Esq., attorney for Plaintiff Lisa Bissell" (or GG) (November 27, 2017) *representation of Bissell* and ordering the 2017 PDVA transcripts. GG claimed to the USDC-NJ that they had *withdrawn* from all representation of Bissell as of 09/17. Using GG's own "*officer of the court*" words, they succeeded in deceiving the USDC-NJ of their involvement in perpetrating the extortion, obstruction of justice, fraud, furtherance of crime, and their successful *cover-up* of it - "with no litigation privilege" - all done under terms of conspiracy et al.

- a. Defendants are not involved with and did not assist Ms. Bissell in the filing of that lawsuit – Ms. Bissell is represented by another law firm, Bell & Shivas, P.C....” (18255, Doc 10-1, pg 34, ¶ 2)
- b. After the FRO hearing in September 2017, Defendants ceased representing Ms. Bissell and the attorney – client relationship ended (18255, Doc 10-1, pg 36, ¶ 2)
- c. A threat of continuing activity may exist where the circumstances suggest that the predicate acts are a regular way of conducting business and likely to be repeated...However, here, since Defendants no longer represent Ms. Bissell and have not done so since September 2017, and they have no involvement in Ms. Bissell’s civil lawsuit in the Law Division, there is no threat that Defendants can or will continue to engage in an alleged pattern of racketeering (18255, Doc 10-1, pg 37, ¶ 1)

With respect to (a), of course GG assisted Bissell in filing the lawsuit as it was the protected transcripts that were used in pertinent part to attempt to get around Judge Murray’s un-appealed Dismissal, create the 366 non-privileged items that do not exist (and never did (196a) as the basis to in turn *fabricate* the employment claims – which BS admitted in writing in March 2022 never happened in the time in question and instead were all made – get this – in the TRO of August 9, 2017 (229a). Their ‘extortion game’ was by filing a lawsuit that they could tie up the hedge fund for years

based on fraud and prolonged aggravated extortion – hoping to get an unjust settlement. It is clear and convincing evidence that the GG sponsored TRO/Amended TRO were aggravated *shams that ought to trigger the crime fraud exception*. GG (b) has not corrected itself to USDC-NJ that it was in fact representing Bissell past September 2017 and materially contributing to ESX-L-984-19.

The (c) “threat of continuing activity may exist where the circumstances suggest,” and in fact does exist, and the damage was foreseeable (and actually planned) in this case making this a CIVIL RICO et al Conspiracy.

Rhetorically speaking, why should GG be given *any relief* when there is “fraud on the court,” and GG tried to get around Judge Murray’s order by violating Presiding Judge Katz’ order, in revenge and retaliation against Dean, for ‘winning’ in the 2017 PDVA?

(2) GG was confederating with Shivas – who used to work with Barreiro at Greenbaum at the same office (237a) – and GG was actively helping and planning with Shivas et al to file the fraudulent NJ State suit (an undetected threat to Dean) which thwarted the second launch of Saga – making it *aggravated conspiratorial extortion*.

“N.J.S.A. 2C:20-5 does not require that the threats be communicated directly to the victim from whom the actor “purposely and unlawfully obtains [or

attempts to obtain] property.” State v. Aloia, 458 N.J. Super. 234, 241 n.4 (App. Div. 2019).

*BS’ in a 06/19 motion violated the PO by releasing the protected materials into the world (243a) – and with no permission from the Family Court – and purposefully misquoted Judge Murray. Both GG and BS have said on record that the transcripts were sealed so Dean could not contest what they were saying - and in turn so BS could make new fraud. GG said: [“The PDVA proceeding, which spanned only two months, was confidential, closed to the public and the records have been sealed. R. 1:38; N.J.S.A. 2C:25-33” (18255, Doc 10-1, pg 34, ¶ 2)] – and BS made a similar false assertion (270a). The Family Court says otherwise (273a).*

James Pryor who keeps an address at the Bell and Shivas, P.C. address – was busy hiding Bissell’s real estate assets to give to James Bissell for \$1, and filed a deed about 1 hour before Bissell filed the TRO/PR on August 9, 2017 (275a) – so Bissell could move to Florida where James Bissell resided – get divorced (282a) - and then be “roommates” in the same apartment for years. The Fraud has been planned in pertinent part by wire/mail from Florida into NJ/NY/NV for years. See PR (172a) generally.

(3) The PO (which Dean did not know existed until February 14, 2022), has Full Faith and Credit Guarantees to Dean – expressly stated:

"...the information contained therein is confidential/protected, and is authorized to be used only in connection with the case referenced above and may not be used in any other case without the express written permission of the Court...this information shall not be disclosed to any other individual, Court, agency...nor may it be disseminated or otherwise made public by any means, direct or indirect, without the express written permission of the Court."

Aside from GG/BS' planning to violate the PO - they peddled into State Court in 06/19 that Kevin Klassen ("Klassen") - Dean's friend and business partner at Saga (Third Party Criminal Coercion (341a)) - was involved and actively participated in the 2017 PDVA matter making "statements," "self-serving statements," "[u]nfounded statements," and making multiple statements "regarding a number of issues." GG/BS knew - having the transcripts sitting on their desks - that Klassen was neither a party nor a witness in the 2017 PDVA matter but BS used this fraud in pertinent part to make Klassen a defendant in state court. Another issue that needs developing down below is how threatening third parties with extortion is defined. SCOTUS said: "*It may well be proper under the Hobbs Act...by threatening a third party...or who obtains 'goodwill and customer revenues' by threatening a market competitor, see, e.g., United States v. Zemek, 634 F.2d 1159, 1173 (CA9 1980).*" Each



of these might be considered "obtaining property from another." *Sekhar v. United States*, 570 U.S. 729, 734 n.2 (2013).

To sum up 1, 2, and 3 above - instead of withdrawing from the conspiracy - GG "*doubled down*," and helped the 2<sup>nd</sup> major extortion plot - where new GG associate-in-fact members 'atty' Christopher Adams ("Adams") & 'atty' Charles Vaccaro ("Vaccaro") *lied about it all in USDC-NJ*, of their hand off from one RICO Enterprise to the next, and the state predicate acts merged into USDC-NJ and became the 18 USC § 1503, §1512 & § 1513 violations.

"To withdraw, "conspirator must act affirmatively either to defeat or disavow the purposes of the conspiracy" *United States v. Patton*, 927 F. 3d 1087, 1096 (10th Cir. 2019) (18255, Doc 17, pg 82)

Adams/Vaccaro - as lawyers at Greenbaum accessed the Bissell file and could plainly see that the transcripts were ordered in 11/17 by Barreiro and PO issued but willingly choose to "*thwart the judicial process*," obstruct justice, and be untruthful to the USDC-NJ. GG are "...liable for the foreseeable crimes ...in furtherance of the common plot." *United States v Jimenez Recio*, 537 U.S. 270, 274 (2003) (18255, Doc 17, pg 78). GG is liable for BS' acts as "...statements by one conspirator are admissible evidence against all." *Pinkerton v. United States*, 328 U.S. 640, 647 (1946) (18255, Doc 17, pg 78). Greenbaum was getting legal

fees for an extortion: "A corporation is criminally liable for the crimes, including conspiracy, committed at least in part for its benefit, by its officers, employees and agents." *United States v. Agosto-Vega*, 617 F. 3d 541, 552-53 (1st Cir. 2010); *United States v Singh*, 518 f.3d 236, 249-51 (4th Cir. 2008); *United States v Hughes Aircraft Co.* 20 F. 3d 974, 978-80 (9th Cir 1994). (18255, Doc 17, pg 78).

Moreover, all of this at a minimum constitutes violations of 18 USC § 1623 False declarations before a grand jury or a court (Crime of Moral Turpitude) (18255, Doc 17, pg 119), perjury, and subornation of perjury (18 USC § 1621(1)) (18255, Doc 22-2, pg 68) – which Dean submits are Federal and State Civil RICO by way of Obstruction of Justice.

The Supreme Court of New Jersey ("SCNJ") asserted: "At common law, subornation was a separate crime because it was considered a more serious offense than the perjury...." *State v. Moffa*, 36 N.J. 219, 231-32 (N.J. 1961). Additionally, the SCNJ said: "Attempted subornation of perjury is an inexcusable and reprehensible transgression. It is an obstruction of the administration of justice... corruption of the judicial process. *In re La Duca*, 62 N.J. at 140; *In re Foster*, 60 N.J. 134, 136 (1972)." *In re Rosen*, 88 N.J. 1, 3 (N.J. 1981).

BS in ESX-L-984-19 demanded \$875,000 (07393, Doc 3-2, pg 3) then *discounted extortion* et al of \$180,000

(285a) for the 'service' of destroying Dean's life, business. The damage created and perpetrated by GG's unlawful acts with BS *far exceeds* a nominal \$875,000. It is of note that Saga has a default judgement (290a) against it in state court because Dean/Klassen could not afford a lawyer – which is simply more evidence of extortion.

A fraud on the court occurs "where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense." *Aoude v. Mobil oil corp.*, 892 f.2d 1115, 1118 (1st cir. 1989) (18255, Doc 22-2, pg 13)

Bissell (who spoiled her texts) calling in from Florida and GG amended the TRO (293a). Bissell and GG *faked* that Bissell was regaining her memory via a "counsellor" - but the information was in fact back fitted from the text messages (299a) that Bissell asked Dean to destroy in at least 02/17 (but he did not).

With respect to the PR is easy to see why BS and GG kept the PR *fraudulently concealed* for so long as they knew the prosecutor dismissed the charges against Dean in less than 1 week (174a) and told Judge Murray that there were no criminal charges pending (304a); Barreiro even "objected" (324a) that there were no

criminal charges -- GG clearly had the PR. The PR also is devoid of any threats by Dean about "garage door codes," B/E, re-rape, and commit mass murder (that all involved the Bissell *children*) - but it was the central theme in the Murray Court (306a). The rest of this Exhibit is very telling.

The other issue of 02/27/17 is of course that Bissell is laminating to Dean in texts at 1:36 AM that Dean had not claimed her 'booty call' with "obviously didn't connect last night..." (131a)

There is so much more to this extortion plot that GG sponsored with Bissell and Shivas et al, and it can be found in 154a (but does not have the PO as that was not discovered yet). For more "Rapid Fire Evidence" see (18255, Doc 22-2, pg 29), Face to Face Meetings and Phone Calls (18255, Doc 22-2, pg 52-54), and 'Getting Rid of Other Evidence' 18255, Doc 22-2, pg 87. Here is 1st major event list from 18255, doc 22-2, pg 14 with what was known at the time. Legal Arguments (18255, Doc 22-2, pg 97) and 18255, Doc 25 provides a good synopsis of what fraud was known as of 05/31/21, and all of these materials are generally defined as the ("Known Evidence From 2017-2021").

Rhetorically speaking, what is the point of having a Federal Constitution and Bill of Rights in our modern day if all it takes is a woman and her lawyer(s) to willfully, knowingly, and falsely accuse an innocent person for extortion takes of perverse crimes (the worst

of which he cannot physically perform) that devastates that person's "life, liberty, and pursuit of happiness," when that woman and her lawyer(s) knew that they have no basis whatsoever for what they were claiming – not once but thrice – and are allowed to repeatedly change their stories dramatically and materially. That is not justice.

This case not only has criminal agreement which is a "distinct evil" (United States v Recio, 123 S. Ct. 819, 822 (2003)) (quoting from Salinas v United States, 522 U.S. 52, 65 (1977)) (18255, Doc 22-2, pg 13)) but also warrants a fraud on the court finding as grounds to vacate the judgments of the lower courts - and send it back down USDC-NJ. "Courts cannot lack the power to defend their integrity against unscrupulous marauders..." *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1119 (1st Cir. 1989).

### REASONS FOR GRANTING THIS PETITION

**I - Dean Asserts That His Appeal/FOC Was Timely Filed But Was Not Considered By The Third Circuit**

See "Time To File Err" on pg 4 above.

**II - There Has Been Serious Unequal Protection Of The Law From Multiple Perspectives That The Constitution And This Court Forbids**

**i - There Have Been Constitutional Violations In This Matter That Need To Be Remedied**

What Bissell/GG et al did was an extortion *whim*. Bissell wanted to be the next 'Mrs. Ryan Dean' and

when Dean did not take the relationship to the next level Bissell took *terrible* revenge. What has been perpetrated is literally the dark side of the #MeToo movement and is *intolerable*.

But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured...For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself. *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)

**ii - Dean's Full Faith And Credit Guarantees Have Been Violated On An Aggravated Basis - And Is Unequal Protection Under the Law**

Article IV, Section I - Full Faith and Credit has not been enforced in this case to date with respect to the PO – and Dean cannot find anything in the Constitution and with respect to Collateral Estoppel Exceptions where provably false rape allegations supersede these guarantees.

The GG sponsored/facilitated BS suit brought in state court should have never taken root – and especially since Shivas was Barreiro's privy.

### III - There Is No Litigation Privilege For GG As The Two Part Test In The Noerr-Pennington Doctrine Is Met – And The Decisions Below Conflicts With SCOTUS Precedent

Despite the undisputable fact that GG first tabled the Noerr-Pennington Doctrine Exception ("NPDE") themselves (18255, Doc 18, pg 2), and Dean responded with the "Known Evidence From 2017-2021," showing the objective and subjective prongs of the Exception – the USDC-NJ did not opine on the doctrine as it related to the case nor did the Third Circuit. Now that the new evidence is available – the Noerr-Pennington Doctrine Exception most definitely applies to invalidate the LP of GG – and they do not have any LP due to the *fraud* (and lying to the USDC-NJ) in the PO/Transcript hand-off to BS.

The Objective factor of the NPDE includes the *heart of the matter* that Dean could not physically perform the rape of 02/07/17 to begin with and the rest of the fraud flows from that.

Rather, to be a "sham," litigation must meet a two-part definition. First, the lawsuit must be **objectively baseless** in the sense that no reasonable litigant could realistically expect success on the merits...Under this second part of the definition, a court should focus on whether the baseless suit conceals "an attempt to interfere directly" with a competitor's business relationships...*Professional Real Estate Investors, Inc. v. Columbia Pictures*

*Industries, Inc.*, 508 U.S. 49, 50 (1993) (18255, Doc 10-1, pg 18).

A subjective factor here includes the Bissell's good friend, Godfather of her children, and Bissell representative to Saga, Craig Peretz (who was COO of another *competitor* hedge fund Sierra Global Management LLC (subject to 09770 & 18255, Doc 22-2, pg 62)) – and was very excited about Saga in 01/17 and was trying to get an institutional investor that would have directly benefited Bissell (when she obtained her required series 7 license that she did not bother to study for). The rest of the subjective sham is the PO, GG lying to USDC-NJ, and the **Known Evidence From 2017-2021** directly and proximately showing the cause of the destruction of Saga. There is 7+ documented stories (and sub-stories) by Bissell et al as they have gone from the police to court to court to court changing their stories. It is alleged that Peretz has had a part in financing the sham litigation(s).

Since the “law of the case” seemingly put the LP – a *judicial creation* – above the Constitution, Federal, and State Statues – a gaggle of attorneys planning to deceive USDC-NJ amounts to ‘knowing[ly]’ and ‘intelligent[ly]’ *waiving their LP* by falsely denying their representation of Bissell after 09/17 and by becoming principles in helping the BS plot. It is well established that a citizen's waiver of a constitutional right must be knowing, intelligent, and voluntary.... *Illinois v. Rodriguez*, 497 U.S. 177,



183 (1990) (citing *Zerbst*, 304 U.S. 458). *Schriro v. Landrigan*, 550 U.S. 465, 484 (2007). SCOTUS also has said that: "Rather, to be effective, the waiver must be freely given and shown by "clear and compelling" evidence. *Curtis Publishing Co. v. Butts*, 388 U.S. 130, 145, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967)" *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2486 (2018).

**IV - The Decision of the Third Circuit With Respect to the Litigation Privilege In Cases Such As This Seemingly Conflicts With Its Own Decision and Likely the Supreme Court of New Jersey Where There Is Systematic Fraud**

With respect to (3) below in BASF, the "object of the litigation" is not to achieve systematic fraud; extortion takes et al.

Fourth, even a broad reading of the privilege fails to fit the facts of this case. "The privilege shields any communication (1) made in judicial or quasi-judicial proceedings; (2) by litigants or other participants authorized by law; (3) to achieve the objects of the litigation; and (4) that have some connection or logical relation to the action." *Loigman*, 889 A.2d at 437 (quotation marks omitted). *Williams v. BASF Catalysts LLC*, 765 F.3d 306, 319 (3d Cir. 2014) ("BASF") (See 18255-Doc 10-1, pg 9, ¶ 1).

Even if there was no "Time To File Err," pursuant to Fed. R. Civ. Proc. R. 60(b)(d) (see below pg 35) – and to

correct a *manifest injustice* -- the Third Circuit did not uphold its own precedent - and the *likely* precedent of the SCNJ with respect to *systematic fraud* -- which is rife in this case by GG et al -- and GG's intent was to thwart the judicial process in their successful coverup.

We decline. New Jersey's Supreme Court has interpreted the privilege to "protect[ ] attorneys not only from defamation actions, but also from a host of other tort-related claims." *Loigman*, 889 A.2d at 436. But New Jersey's Supreme Court has never recognized the litigation privilege to immunize systematic fraud, let alone fraud calculated to thwart the judicial process. Thus, we are "charged with predicting how that court would resolve the issue." *See Illinois Nat'l Ins. Co. v. Wyndham Worldwide Operations, Inc.*, 653 F.3d 225, 231 (3d Cir.2011). We believe that New Jersey's Supreme Court would not extend the privilege to this claim. *Williams v. BASF Catalysts LLC*, 765 F.3d 306, 318 (3d Cir. 2014)

**V - CIVIL RICO (Both Federal and NJ RICO) Statutes Pursuant to Extortion Were Not Held Up In This Matter and That Goes Against Precedent Set In The Third Circuit, Ninth Circuit, And SCOTUS**

The intention of Congress captured with "all persons" are subject to racketeering statute -- and there is no 'carve out' for lawyers:

Nothing on the face of the statute suggests a congressional intent to limit its coverage to persons

who have engaged in "racketeering." To the contrary, the statutory language sweeps within it all persons who have "in any way or degree . . . affect[ed] commerce . . . by...extortion." 18 U.S.C. § 1951 (a) (1976 ed.)...they "manifest . . . a purpose to use all the constitutional power Congress has to punish interference with interstate commerce by extortion..." *Stirone v. United States*, 361 U.S. 212, 215 (1960).... *United States v. Culbert*, 435 U.S. 371, 373-74 (1978).

According to the 9<sup>th</sup> Circuit this includes lawyer as:

Behavior prohibited by Section(s) 1962(c) will violate RICO regardless of the person to whom it may be attributed, and we will not shrink from finding an attorney liable when he crosses the line between traditional rendition of legal services and active participation in directing the enterprise. The polestar is the activity in question, not the defendant's status. *Handeen v. Lemaire*, 112 F.3d 1339, 1349 (8th Cir. 1997)

The statute is clear that state extortion violations also fall under Federal Civil RICO.

"...for a state offense to be an "act or threat involving . . . extortion, . . . which is chargeable under State law," as RICO requires, see 18 U.S.C. § 1961(1), the conduct must be capable of being generically classified as extortionate." *Scheidler v. National*

Organization for Women, Inc., 537 U.S. 393, 409 (2003).

Starting with NJSA 2C:20-5. Theft by extortion (which has 7 stand-alone extortion elements): A person is guilty of theft by extortion if he purposely and unlawfully obtains property of another by extortion. A person extorts if he purposely threatens to (f) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense." Clearly the intent of the NJ Legislature was to limit extortion perpetrated through the "loop-hole" called the LP, that is open to *rife* abuse. That there is no LP with respect to the PO matters also makes that a *continuing aggravated threat to extort* as the 2017 PDVA was a *threat in and of itself* given the circumstances in this case.

(a): "...commit any other criminal offense" is clearly met here as Bissell and GG filed and/or falsely accused Dean of a NJ state level 1 indictable offense for a crime he *cannot physically perpetrate*.

(b): "Accuse anyone of an offense or cause charges of an offense to be instituted against any person," is also clearly met (see (a)).

(d). Take or withhold action as an official, or cause an official to take or withhold action. Bissell and GG under terms of conspiracy caused the Police & NJ PDVA to go into high gear against Dean unjustly.

(g). Inflict any other harm which would not substantially benefit the actor but which is calculated to materially harm another person. See ¶ below.

With respect to the initial threat by Bissell to Dean, on 02/07/17, Bissell told Dean that in Public Relations, these people would "stab you in the back, twist the knife, and then fuck you in the ass." Dean dismissed it then as just "kitchen chat," and Bissell trying to puff up her Public Relation skills. But Dean now knows it was a *grievous veiled threat* (for not taking the personal relationship to the next level) that was and is still being acted upon. Dean has been plunged into poverty, his health is terrible, his credit is ruined, and there is virtually no area of his life that has been untouched by this "LIVE | EVIL" extortion stunt. Element (c) is captured with (as shown throughout herein):

"To support the charge... defendant purposely and unlawfully attempted to obtain H.R.'s property by "purposely threaten[ing] to ... [e]xpose or publicize any secret or any asserted fact, whether true or false, tending to subject [H.R.] to hatred, contempt or ridicule, or to impair his credit or business repute." N.J.S.A. 2C:20-5(c); see also Model Jury Charge (Criminal), "Theft By Extortion (N.J.S.A. 2C:20-5)" (rev. June 5, 2006).... State v. Aloï, 458 N.J. Super. 234, 240-41 (App. Div. 2019).

That being said – all Americans are supposed to enjoy equal rights, privileges, and protections under the law -

that includes access to the Courts and for decisions to be compliant with precedent. Men should not *fear* being "put out of work," or their business destroyed, because they are knowingly falsely accused for extortion takes. The fact that Dean could not perform the vile acts Bissell described and GG suborned meets the standard (See Also (334a) where "NJSA 2C:13-5 Criminal Coercion mirrors NJ Theft By Extortion):

"...[T]o prove extortion by wrongful use of force or fear, the government must establish that (1) the defendant induced someone to part with money, property, or other valuable right by the wrongful use or threat of force or fear; (2) the defendant acted with the intent to obtain money or property that defendant knew he was not entitled to receive; and (3) commerce from one state to another was or would have been affected in some way. See *Manual of Model Jury Instructions for the Ninth Circuit*, Instruction 8.31A at 212 (1989). *U.S. v. Dischner*, 960 F.2d 870, 884 (9th Cir. 1992) (18255, Doc 17, pg 108).

With GG's Obstruction of Justice et al with their abuse of the PDVA action/proceeding, "...[i]t is the wrongful use of an otherwise power that converts dutiful actions into extortion. If the purposes and effect are to intimidate others, forcing them to pay, the action constitutes extortion." *United States v Hyde* 448 F.2d 815 (5<sup>th</sup> Cir. 1971) (18255, Doc 17, pg 26).

GG claims that they were not trying to get money from Dean but an FRO -- but that clearly negatively affected Dean, Saga, and the hedge fund as it was *timed* just before Saga was going to recapitalize, and then their subsequent involvement in BS' fraud *torpedoed* Saga and the hedge fund.

A perpetrator plainly may "obtain" property without receiving anything...and "disposal" includes "the regulation of the fate . . . of something," *id* at 655. Thus, even when an extortionist has not taken possession of the property...she has nonetheless "obtain[ed]" that property...[t]he fact that the target of a threat or attack may have refused to relinquish his property does not lessen the extortionist's liability under the Hobbs Act, for the Act, by its terms, also reaches attempts. See 18 U.S.C. § 1951(a); *McLaughlin v. Anderson*, 962 F.2d 187, 194 (2d Cir. 1992). *U.S. v. Arena*, 180 F.3d 380, 394 (2d Cir. 1999) 18255, Doc 17-1, pg 65

Dean cannot raise large sums of capital if he is known as a *rapist* (or even *formerly known* as a rapist) -- and GG/BS unjustly took away Dean (and Saga's) right to pursue business - with violates the Constitution. Any man accused of anything "sexual," in this day and age, has his whole life (and business) turned upside down -- but GG/BS falsely accused Dean of one of the most heinous sex crimes possible -- and their fraud et al has gone on with *impunity* for more than 5 years.

"In Tropicano, defendants Tropicano and Grasso were charged with extortion and attempted extortion in violation of the Hobbs Act (US v Tropicano, 418 F. 2d at 1071, 1075-76)....The Court also cited the Supreme Court's decision in Liggett Co. v Baldridge (278 US 105 (1928), for the proposition that "the right to pursue lawful business[,] included the solicitation of customers necessary to the conduct of such business[,] had long been recognized as a property right within the Fifth and Fourteen Amendments of the Constitution (Tropicano, 418 F.2d at 1076 (citing Liggett v Baldridge, 278 US 105 (1928). 18255, Doc 17-1, pg 41

BS on 02/05/19 had waited until two days for the statute of limitations to file ESX-L-984-19 for the 2<sup>nd</sup> aggravated extortion attempt thwarting yet another Saga launch.

Obviously the extortion here involved was concerned with business accounts and with **unrealized profits from those accounts**. Such intangible property has been held to be included within those rights protected by the Act, United States v. Tropicano, 2 Cir., 1969, 418 F.2d 1069, cert. denied 397 U.S. 1021, 90 S.Ct. 1262, 25 L.Ed.2d 530. 18255, Doc 17-1, pg 48

This case law seems to sum up the prohibited activities by BS/GG:



"...Today, the term "loss" as it relates to the first segment of the definition of extortion includes an intangible loss of the opportunity to undertake a new business deal (United States v. Sopher, 362 F.2d 523 (7th Cir.), cert. denied, 385 U.S. 928 (1966)) ...Veiled threats violate the statute as much as do express threats" (United States v. Kramer, 355 F.2d 891 (7th Cir.), cert. denied, 384 U.S. 100 (1966)); Callanan v. United States, 223 F.2d 171 (8th Cir.), cert. denied, 350 U.S. 862 (1955); United States v. Palmiotti, 254 F.2d 491 (2d Cir. 1958).. 18255, Doc 17, pg 27

**VI - There Is A Dispute Among The Circuit Courts  
Whether Perjury In The Context Of Obstruction Of  
Justice Is In Fact A CIVIL RICO Predicate Act**

GG violated, under terms of confederacy with BS, the following fraudulent/obstruction practices: Chapter 21 of Title 2C of the NJ Statutes 2C:41-1 that fall under the NJ RICO Predicate Acts scheme and includes N.J. Stat. § 2C:21-3, N.J. Stat. § 2C:21-4, N.J. Stat. § 2C:21-7, N.J. Stat. § 2C:21-9, N.J. Stat. § 2C:21-16 & N.J. Stat. § 2C:21-27. With respect to Federal matters:

The federal criminal statute prohibiting perjury, 18 U.S.C. § 1621, does not appear among the statutes listed in § 1961(1)(B)... Because acts of perjury are indicatable under the obstruction of justice statute, see United States v. Mayer, 775 F.2d 1387, 1391 (9th Cir. 1985) (stating that a false statement to the magistrate is properly charged under §

1503 as this was "consistent with a scheme in which frauds perpetrated upon a court in its adjudicative capacity must be prosecuted as perjury, obstruction of justice"...because the RICO statute specifies that acts indictable under the obstruction of justice statute are RICO predicate acts, see 18 U.S.C. § 1961(1)(B), this Court believes the better reasoned position is that acts of perjury may, under the appropriate circumstances, constitute RICO predicate acts.... Streck v. Peters, 855 F. Supp. 1156, 1162 (D. Haw. 1994) (18255, Doc 17, pg 106). See also: Chovanes v. Thoroughbred Racing Association, CIVIL ACTION No. 99-185, at \*1 (E.D. Pa. Jan. 1, 2001) (Doc 17-1, pg 71).

**VII - There Is a Clear Conspiracy To Extort Et AL And The *Manifest Justice* Needs To Be Stopped And Ought To Be Combined in 09770 So One Court Can See The Entire Transaction.**

In this case the collective agreement is of the *very worst nature* as it is lawyers who are *sworn to pursue justice* – not to pervert it for extortion takes and cover-up – while hiding behind the LP.

"The Supreme Court has explained that a "collective criminal agreement – a partnership in crime – presents a greater potential threat to the public than individual delicts.... Iannelli v United States, 420 U.S. 770, 778 (1975), quoting Callanan v United States, 364 US, 587, 593-94, 778 (1961) (18255, Doc 17, pg 77)

It was/is "team conspiracy" by GG/BS, and if they are not held accountable for their *reprehensible acts* - then they will only prey on the next hapless victim(s) from all of the "*how-to-extort-with-impunity-lessons*" they have learnt from this matter:

"...[I]t is important to note that separate transactions are not necessarily separate conspiracies, *so long as the conspirators act in concert to further a common goal*"... ("The factors relevant to determining whether there was a single conspiracy rather than multiple conspiracies include 'whether the participants shared a common goal, were dependent upon one another, and were involved together in carrying out at least some parts of the plan.'")....Callahan v. United States, 364 U.S. 587, 594-94 (1961). 18255, Doc 17, pg 83

**VIII – The Crime Fraud Exception Has Been Met In This Case And Was Not Upheld By the Lower Courts With The Evidence Then On Hand But Must Now Be With The New Evidence**

Despite using the terms Crime, Fraud, Crime Fraud, Crime Fraud Exception and/or conspiratorial crime et al was mentioned in 18255, Doc 17, pgs 12, 17, 19, 22, 24, 26, 28, 29, 31, 41, 42, 44, 50, 60, 64, 65, 66, 70, 71, 74, 76, 79, 83, 84 & 90 for instance – apparently this Pro Se Litigant was not able to articulate it well enough in his documents. See also Crime Fraud Exception Defined by SCNJ (18255, Doc 17, pg 65).

"The attorney-client privilege is not without its costs... proper functioning of our adversary system of justice – ceases to operate at a certain point, namely, where the desired advice refers not to prior wrongdoing, but to future wrongdoing...does not extend to communications made for the purpose of getting advice for the commission of a fraud or crime. U.S. v. Zolin, 491 U.S. 554, 562-63 (1989) (18255, Doc 17, pg 122).

By fraudulently concealing the PO, lying about GG's representation of Bissell past 09/17 to USDC-NJ, and providing the materials for BS to try to get around Judge Murray's Order and PO, are the *very definition of fraud on the court* according to the SCNJ. With the new evidence on hand now this matter *must* be sent down for further deliberation and get the "*broadest interpretation.*"

Confederating with clients to allow court and counsel to labor under a misapprehension as to the true state of affairs; countenancing by silence the violation of a court order and aiding and abetting the continued contempt of another, are all frauds...Deception and deceit in any form universally connote fraud. Public policy demands that the fraud exception to the attorney-client privilege as used in Evidence Rule 26 [now N.J.R.E. 504] be given the broadest interpretation. [Fellerman, supra, 99 N.J. at 503, 493 A.2d 1239 (quoting In re Callan, 122 N.J.Super. 479, 496, 300

A.2d 868, (Ch.Div.), aff'd, 126 N.J.Super. 103, 312 A.2d 881 (App.Div. 1973), rev'd o.g., 66 N.J. 401, 331 A.2d 612 (1975)).] 18255, Doc 17, pg 122

The NJSC has said that: **When a client seeks aid of an Attorney for the purpose of committing fraud, a communication in furtherance of that design is not privileged.** Rules of evidence NJSA 2A:84A, Rules 26(2)(a).” *Fellerman v Bradley*, SCNJ, June 27, 1985, 99 N.J. 493, 493 A 2d 1239 (18255, Doc 22-2, pg 90). See also Crime fraud statute N.J.S.A. 2A:84A-20.

#### **IX - Fraud On The Court R. 60(b)(d) Was Not Upheld In This Matter**

**i - GG's Violations With Respect to Fed. R. Civ. Proc 60(b) Has Been Met In This Case – But The Lower Court Did Not Agree. The New Evidence Is Incontrovertible.**

With “just” the lying by GG to USDC-NJ with respect to their “representation” of Bissell beyond 09/17 qualifies as fraud on the court and especially so since it shows that there was an attempt to conceal the furtherance of crime against Dean by BS et al. “Other courts have held that an action for fraud on the court is available only when the movant can show an “*unconscionable plan or scheme*” to improperly influence the court’s decision. *Rozier v Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978) (18255, Doc 17, pg 57). Not only was it an “unconscionable plan or scheme” that GG tried and still are perpetrating with BS – their

fraud was directed at the judicial machinery itself as they were the only ones along with BS that knew there was a transfer of the PO/transcripts while developing the 366.

"Fraud upon the Court is fraud which is directed to the judicial machinery itself...It is where the Court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function - thus where the impartial functions of the court have been directly corrupted." *Bullock v United States*, 763 F.2d 1115, 1121 (10th Cir. 1985) (18255, Doc 17, pg 38).

Dean submits that he clearly has made a case for stating that GG has been at a minimum dishonest: "Since attorneys are officers of the court, their conduct, if dishonest, would constitute fraud on the court." *H.K. Porter Co. V. Goodyear Tire and Rubber Co.* 536 F. 2d 1115, 1119 (6th Cir. 1976) (18255, Doc 17, pg 58)

#### ii - Fraud On The Court Rule 60(d)

At this point Dean asserts that Fraud on the Court was made for litigants such as GG and BS. How can it not be? They are unmitigated frauds using their law licenses to prey on the public for extortion takes et al.

This has not meant, however, that a judgment finally entered has ever been regarded as completely immune from impeachment after the term...after discovered fraud, relief will be granted against judgments regardless of the term of their entry.

*Marine Insurance Co. v. Hodgson*, 7 Cranch 332; *Marshall v. Holmes*, 141 U.S. 589... This equity rule,...universally recognized need for *correcting injustices* which, in certain instances, are deemed sufficiently gross to demand a departure from rigid adherence to the term rule.... *United States v. Throckmorton*, 98 U.S. 61. *Hazel-Atlas Co. v. Hartford Co.*, 322 U.S. 238, 244 (1944) (18255, Doc 22-2, pg 23).

*Sufficiently gross?* – see what Bissell accuses Dean of (43a) – how much more gross can it get? Dean asserts that his rights need to be ‘saved’ and that he be vindicated from this “LIVE | EVIL”.

“The savings clause...In order to prevail on this ground, the burden is on the moving party to show by *clear and convincing evidence that “an unconscionable plan or scheme...designed to improperly influence the court in its decision” had been perpetrated.*” *Occhiuto v. Occhiuto*, 97 Nev. 143, 146 n.2, 625, P.2d 568 (1981), quoting *England v Doyle*, 281 F 2d 204, 309 (9th Cir. 1960) (18255, Doc 22-2, pg 23)

The *essence* of a Fraud on the Court has been met as shown herein:

All in all, we find it surpassingly difficult to conceive of a more appropriate use of a court’s inherent power than to *protect the sanctity of the judicial process* – to *combat those who would dare to practice*

*unmitigated fraud upon the court* itself. To deny the existence of such power would, we think, foster the very impotency against which the *Hazel-Atlas Court specifically warned.*" Rockdale Mgmt. Co. v Shawmut Bank, N.A. 638 N.E. 2d 29, 31 (Mass. 1994) (18255, Doc 17, pg 61)

This case law sums up but one corrupt lawyer and what happened to him for what he did which is very similar to this case except this case has many lawyers:

*"...aiding and abetting the commission of perjury, in violation of N.J.S.A. 2C:28-1 and N.J.S.A. 2C:5-1(c); conspiracy, in violation of N.J.S.A. 2C:5-2(a)...for Edson's unethical conduct alone is sufficient to warrant disbarment. Cf. In re Rigolosi, 107 N.J. 192 (1987)... respondent disbarred for conduct involving dishonesty, fraud, and deceit, prejudicial to administration of justice)." Matter of Edson, 108 N.J. 464, 472 (N.J. 1987).*

The whole point of both extortion stunts was the timing of it to make sure that Saga could not recapitalize twice, and that Dean/Klassen would be forced to learn how think like lawyers - under extreme extortion pressure - and with their livelihoods taken away. If Dean/Klassen could not pay and/or learn fast enough - then the idea of BS/GG was to get equity in Saga or settle so GG/BS could come back for more periodic extortion takes.



The limited case law on the question of whether a judgment procured by fraud on the court may be allowed to stand leads this Court to conclude that fraud on a court requires the judgment be vacated. "[A] decision produced by fraud on the court is not in essence a decision at all, and never becomes final." *Drobny v. C.I.R.*, 113 F.3d 670, 677 (7th Cir. 1997). "If it is found that there was fraud on the court, the judgment should be vacated and the guilty party denied all relief." Charles Alan Wright et al., *Federal Practice Procedure* § 2870.... One court stated that the facts before it "not only justify the inquiry but impose upon us the duty to make it, even if no party to the original cause should be willing to cooperate, to the end that the records of the court might be purged of fraud, if any should be found to exist." *Root Refining Co. v. Universal Oil Prods. Co.*, 169 F.2d 514, 523 (3d Cir. 1948). *Boyer v. GT Acquisition LLC*, CAUSE No. 1:06-CV-90-TS, at \*7-8 (N.D. Ind. Aug. 9, 2007) 18255, Doc 22-2, pg 89

**X - This Case Is Of National Importance As It Highlights Just One Example Of The Growing Plague of False Sex Assault Accusations Across The Nation Warranting 28 USC § 1985(3) or Equivalent Protections**

This Court in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392 (June 24, 2022) stated repeatedly the words "history" and "tradition." The history and tradition of frowns on false sex accusations and goes back to the bible where Joseph was cast into

prison on false accusations (Genesis 39) and Daniel exonerating Susanna (which has stark parallels to this case) – See Daniel: 39.

Presiding Judge Katz when he heard what went on felt he did not have jurisdiction to deal with these matters in April 2022 – but amended his orders to include the word “criminal” (328a)

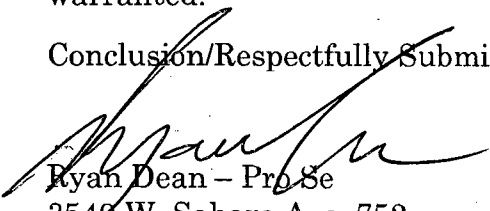
Ultimately, falsely accusing large swaths of (largely) men (and this case in particular) is a conspiratorial fraud on the Treasury of the United States because many men are destroyed by false accusations of sexual impropriety and cannot generate tax revenue. There is also an alarming suicide rates of men falsely accused of all kinds of evils in the Family Courts nationwide (and indeed worldwide).

In Dean’s case, GG/BS’ activities are also a clear Klein Conspiracy (United States v. Klein, 247 F.2d 908, 921 (2d Cir. 1957) by torpedoing a hedge fund with great promise and the tax revenue Saga would have paid the Treasury.

As a parallel argument that needs to be much more developed down below is that of the well deserved strides made by the LGBTQ community with Civil Rights Protections et al and the comparison that can be made to these matters. How is it that (largely) men should not get protections when provably falsely accused and “self-identified” as a rapist by perpetrators and in this case GG/BS et al? Dean asserts that 28 USC

§ 1985(3)-protections (or similar) to be free of this are warranted.

Conclusion/Respectfully Submitted this 09/19/22,



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