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Supreme Court of North Carolina

Case 235P22

SONY PICTURES ENTEAINMENT, INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA LLP, JMAES ROSEN, ESQ., AND ADELA CARRASCO, ESQ.

Plaintiffs

v.

GLENN HENDERSON

Defendant

From NC Court of Appeals

(22-29)

From Cumberland

(13CVS9617 1SCVA2797)

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by defendant on the 28th day of July 2022 in this matter pursuant to G.S. 7A-30 (substantial constitutional question), the following order was entered and is hereby certified to the North Carolina Court of Appeals.: the notice of appeal is:
"Dismissed ex mero motu by order of the Court in conference, this the 2nd day of November2022."

s/ Berger, J.
For the Court

Upon consideration of the petition filed on the 28th day of July 2022 by defendant in this matter, for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. A7-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Denied by order of the Court in conference, this the 2nd day of November 2022."

s/ Berger, J.
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this 7th of November 2022.

Grant E. Buckner
Clerk, Supreme Court of North Carolina

M.C. Hackney
Assistant Clerk, Supreme Court of North Carolina

Copy to:
North Carolina Court of Appeals

Mr. Glenn Henderson, For Henderson, Glenn – (By Email)
Mr. David McKenzie, Attorney at Law, For Sony Pictures Entertainment, et al – (B Email)
West Publishing – (By Email)
Lexis-Nexis – (By Email)

North Carolina Court of Appeals
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Eugene H. Soar, Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600
Mailing Address:
P. O. Box 2779
Raleigh, NC 27602
From Cumberland County
(13CVS9617 18CVS2797)
No. 22-29
SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA LLP, JAMES ROSEN, ESQ., and ADELA CARRASCO, ESQ.,
Plaintiffs,

v.

GLENN HENDERSON,
Defendant.

ORDER

The following order was entered:

Defendant filed a Notice of Appeal on 13 October 2021, purporting to appeal "from the orders in Superior Court, Cumberland County, 50-C, pre-file, counterclaim, return of rifle orders, letters, implicit deny counterclaim and motion for rifle and gun rights back, all orders, rulings, 9/22/21, 12/19/13, 12/30/13, 1/5/15, 1/5/15. 1/4/16, 3/21/18, 4/17/18, 4/25/18, 5/23/18, 5/29/18, 6/12/18, 6/17/19, 10/1/19, 10/11/19, 10/31/19, 9/8/20."

Plaintiffs filed a motion to dismiss Defendant's appeal on 14 April 2022 for failure to timely file notice of appeal and for gross violations of the North Carolina Rules of Appellate Procedure.

Notice of appeal must be filed and served within 30 days of the date when the appealing party was served with the order from which appeal is taken, with no benefit of the mailbox rule. N.C. R. App P. 3. Defendant does not assert that he was not served with the orders he attempts to appeal or that service was delayed. The record does not contain an order entered on 22 September 2021 and none of the orders Defendant attempts to appeal were entered within 30 days of the date when his notice of appeal was given.

Accordingly, it is ordered that Plaintiffs' Motion to Dismiss is allowed and Defendant's appeal is dismissed.

And it is considered and adjudged further, that

Appellant Glenn Henderson, do pay the costs of the appeal in this Court incurred, to wit, the sum of Fifty One Dollars and 00/100 ($51.00), and execution issue therefor.

By order of the Court this the 24th of June 2022.

WITNESS my hand and the official seal of the North Carolina Court of Appeals, this the 24th day of June 2022.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:
Mr. Glenn Henderson, For Henderson, Glenn - (By Email)
Mr. David McKenzie, Attorney at Law, For Sony Pictures Entertainment Inc., et al - (By Email)
Hon. Lisa Scales, Clerk of Superior Court

From NC Superior Court

Denial/Order of Counterclaim and relief from order, for Clerk of Court who is a judge, and for senior judge

13 CVS 9617 and 18 CVS 2797

Sony Pictures, et al., v Glenn Henderson

State of North Carolina
General Court of Justice
TRIAL COURT ADMINISTRATOR
ELLEN HANCOX TEL 910-475-3018
TRIAL COURT ADMINISTRATOR
CUMBERLAND COUNTY
FAYETTEVILLE, N.C.

SEPTEMBER 21, 2021

Mr. Glenn C. Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314

Re: 13 cvs 9617 and 18 cvs 2797

Dear Mr. Henderson,

Please find enclosed your documents sent to the Clerk on September a, 2022. There is still a gatekeeper order in effect. These documents do not comply with this Court's gatekeeper order so your documents cannot be filed.

Sincerely,

Ellen B. Hancox

Cc: Clerk of Court
Enclosure

COUNTERCLAIM

Contents: 1.Background events 2. No Contact 3. Employment at Sony 4. Cases with Sony 5. Pre-file/Gatekeeper

I ask for a counterclaim. I want to make sure there will be no attorney fees against me if I lose the case and no sanctions against me for filing.

Events that led to my cases.

I was wrongfully and maliciously punished and terminated by Sony. They called me a bad performer when I had a 99.99%, they say 99.98%, rate of accuracy, never got behind due to anything under my

control, and never missed a deadline. My rate of accuracy was 100% when I was first written up, out of 2 times, after I had been there 1 year and 8 months. Sony fraudulently got me to sign an unfair settlement. They illegally threatened and harassed me and continued to retaliate after my termination. My union would not adequately help me. Sony, their attorneys, and my union representative lied in court papers. The EEOC did not adequately help me. I was denied Workers' Compensation and defamed by WC doctors because of Sony's fraud. The defendants and some judges in my cases were saying these things done to me were perfectly all right, and I have no complaint, and not only that, but I am the bad one for complaining and fighting these things, and I need to be punished. That is absolutely bad faith and absurd. It is unbelievable what some people will do. I got severe anxiety and severe depression from all this and became disabled. McKenzie has talked over and over about my conditions, referring to them as mental illness, so admits the damage Sony and others have done to me. That is a big reason for a counterclaim. McKenzie and previous Sony attorney Rosen stated most of my claims were dismissed without prejudice, so admitted my cases were not frivolous, wrong, or improper. They made the bad faith claim that more times than not I did not show up or respond. I could not find a job for 4 years after moving to NC. I got on disability the 5th year. Not finding a job, and I think Sony helped cause that, added to my anxiety and depression. If not for Sony, I would still be in CA.

The no contact order.

When the plaintiffs filed this case against me on 12/19/13 about my words, I had made one legal

statement that I would legally attempt to defend myself if attacked, My words that one time would have been the end of it if they had not attacked me about it in their papers. I began defending myself in court papers. My words were legal and free speech. The US Supreme Court in Virginia v Black ruled true illegal threats are threats to do unlawful violence.

They used NC 277.1 to illegally get a 50-C no contact order on me. 277.1 says a threat to harm without legal authority is illegal. The threat must be to a person or person's property, so not a business. The plaintiffs claimed I violated 277.1. I did not. 277.1 refers to stalking and harassment. They have to be to a specific person. It has to be for no legitimate or no legal purpose. My words were not to a specific person but approximately 39 people, approximately 29 people in that case v Boren and 10 more. Only 2 are in this case. The conduct has to be willful. NC courts have ruled willful means an intent to break the law. I never intended to break a law and did not. There has to be more than one occasion. I made another legal comment to defend myself over 2 years after this case started and after being lied about, provoked, and having my Constitutional rights trampled on. No reasonable person would think I would carry out my threat to legally defend myself unless they planned to attack me. My words were only to 2 of the plaintiffs or maybe just one, Rosen, maybe Carrasco who worked with him. My words were in a case with 46 total defendants. Only 7, all McKenzie's clients, complained or filed a temporary no-contact/TRO. My words were to people who had gotten 2 illegal pre-file orders on me. I probably would never have the courage to try

citizen's arrest. 50-C says it does not include acts of self-defense or defense of others, like my words were. The US Constitution and US Supreme Court in Virginia v Black and other cases give my words legal authority.

In Watts v US, the US Supreme Court said a state can ban true threats. They defined true threats in Virginia v Black. They held in Claiborne that "[t]he mere fact the statements could be understood 'as intending to create a fear of violence' was insufficient to make them 'true threats' under Watts." A man threatened violence against people if they broke a boycott. No violence followed directly. The Court found the emotionally charged rhetoric did not transcend the bounds of protected speech set forth in Brandenburg. In Brandenburg, the court used a test: (1) speech can be prohibited if it is "directed at inciting or producing imminent lawless action" and (2) it is "likely to incite or produce such action." It was about a person advocating violence, but there was no imminent violence.

Cases I filed versus Sony, including what they did that was illegal and criminal.

(1) v. Sony, BC270938. CA state court. This was about discrimination but only for not getting promoted. I signed a very unfair settlement. It had been changed from what they had showed me before.

(2) v. Sony CV 02-6081-DDP. Federal court. This was about discrimination in many things, defamation, wrongful termination, other wrongs. Sony's lawyer told me I had to drop this case because of the settlement in the state case. I did.

(3) v. Sony, CV 03-8782-ABC and appealed, federal. This was partially dismissed without prejudice. It was about Sony's threatening me with a restraining

order and prosecution if I violated one they got and about harassment and retaliation. I had emailed the CEO to tell him I wanted to be able to document what was said if I spoke to a Sony investigator about money Sony kept that customers had overpaid. Then the threats and harassment started. I wrote to the LA DA's office about it. They did not help me or state if they thought my email was free speech. The judge ruled that Sony was not a state player, so free speech didn't apply. I think the state was involved because I involved the DA's office and Sony would need state help to get an RO, so federal 1983 applied. Sony's in-house attorney may have been involved; she was a state court officer. The judge mistakenly ruled retaliation after termination did not violate Title VII or CA FEHA. Sony's lawyers claimed it. The judge said Sony would not be allowed to take away my free speech but did not keep her word. I referred to FOIA. The court said it did not apply because it applies to government agencies. I believe Sony was still supposed to give me information about me that I requested. If a wrong law is referred to and another applies, the judge can or should use the other law. I don't even have to name a law. The judge said I could bring the state claims to state court. The appeals court unbelievably upheld it all. The district court judge and 3 appeals justices ruled wrongly a former employer can retaliate! How does that happen?

(4) v. Sony, SC079972, state court. This case was similar to the case directly above, CV 03-8782-ABC. It was transferred and combined with that federal case.

(5) v. Sony, et al, federal court CV 04-8748 DDP and appealed. This was partially dismissed without prejudice. Part of the case was that I challenged the

settlement in state court that caused a federal case to be dismissed. I think laws, like CA contract laws, clearly supported me. I pointed to the laws. They changed the settlement from what they had first showen me. There were other issues. Part of the case was dismissed because the court ruled the settlement could not be voided. The judge mistakenly dismissed claims he thought were in a previous case, CV 03-8782-ABC. Sony's lawyers tried to get him to believe that. I stated dates and events that were clearly different from the previous case. The judge dismissed claims against a defendant that was named in the previous case but not in this one! Sony tried that in the previous case, but the judge said no. They tried to get the previous judge to rule Title VII did not apply to former employees. That judges agreed. This judge said Title VII did apply. The appeals court upheld. I wrote a letter to a bank CEO about harassment. That letter is the only issue at Sony I am not sure was okay for me. I thought I could. I asked, but no court has stated it was not ok. Sony and I had resolved that. A supervisor above my immediate supervisor said I had a good complaint but did not follow procedures. I never knew or was shown any procedures. She said I should have gone to Sony treasury and didn't say to my manager or HR. There was no way I wanted to go to Russo or HR. They harassed me. I do not think I would have written the letter if I had not been under a lot of stress at Sony. I wrote it over a year after the incident. I wanted to stand up for myself like with Russo. In this case, they tried to get sanctions on me because I had 8 cases. They were denied.
(6) v. Sony, ESIS SC085392 state court and attempted to appeal to 2nd district, CA and US

Supreme Courts. It was dismissed because I did not pay $10,000.00 security. I challenged the settlement I had with Sony and listed other wrongs. Some were wrongs 2 federal judges had said I could bring to state court. This is where I was wrongfully put on the unconstitutional 391 pre-file list. 391 says if a pro se, but not lawyers, has 5 cases in 7 years that were final and adverse, 391 could be used on them. Cases dismissed without prejudice do not count. I did not have 5 cases that could count. 391 is a clear violation of equal protection and a monopoly for lawyers. 391 says it is not about merit of the cases. I read lawyers fight against laws trying to stop frivolous lawsuits because it would stop their trying new ideas. Why about pro se's ideas? The presiding judge of the appeals court said I did not show my case had merit or was not for delay or harassment. I clearly pointed to laws to show my case had merit. I did not delay. It is not harassment or wrong to want my Constitutional and other rights and want compensation for loss ofa job, a damaged career, financial loss, psychological damage, and other things. The judge implicitly said I wanted to harass and didn't want my rights and compensation. He implicitly said prove what I was thinking, and I was guilty until proven innocent. Corrupt lawyers, a corrupt and incompetent judge, and corrupt justices all had a part in this. Sony, in bad faith, said cases dismissed without prejudice counted as adverse and final. They claimed 8 cases were adverse to me and final. These same 8 cases were used against me in federal case CV 04-8748 DDP when Sony was denied sanctions against me. The 8 cases included 2 that were settled! I argued the settlement was bad for me, and they were agreeing! 3 cases were dismissed with

prejudice but mistakes were made by the judges: one because I had a defendant's name wrong, one because the court mistakenly ruled the statute of limitations had passed, one because a judge ruled immunity, but there was not immunity for other issues. None were about merit, only procedure. I have the right to bring back cases and issues dismissed without prejudice. In bad faith, Sony's lawyers did not tell Judge Hilberman they had tried a similar motion in federal court and were denied. They withheld evidence. I stated that evidence. He and Sony should have but did not respect and accept a federal court's ruling. Res judicata and collateral estoppel should have prevented their trying the same thing in state court they had tried in federal court. A federal local rule allows a judge to use 391. Two times, Hilberman would not allow me to speak: once in response to Sony's attorney and once to show my evidence. I was not heard.

(7) v. Sony Pictures, CV 05-9000-DDP, federal. This was dismissed without prejudice. There was a federal issue of retaliation about a recommendation. I needed a right to sue letter from the EEOC that I later timely got. The court decided not to exercise its right to hear a state claim about defamation.

(8) v. Coddon, Sony et al., SC090814, state case. This began the absurd situation I was put into of trying to defend myself from having unconstitutional 391 used on me when I had not even violated it. I tried to get that judge to listen to me when others had not. I had to ask judges to say other judges and justices made mistakes or did wrong. The case was dismissed because I was required to post $10,000.00 security but did not. I had to request appeal to the same corrupt presiding justice, Boren. I did not try. My

zealous advocacy was chilled.
(9) v. Hilberman et al. CV 07-7714-ODW, federal court. I was trying to get off the 391 list. I wanted 391 ruled unconstitutional and local rule 83-8, referring to 391, ruled partly unconstitutional. I wanted it ruled 391 was not even used as stated on me. If the settlement could be voided, then I wanted my cases reinstated and actually litigated. The judge in the case about Sony's threat of an RO and retaliation said the settled cases were not actually litigated. My points in this case were not even addressed by the corrupt and incompetent Judge Wright. I pointed to laws and cases that clearly supported me. As I and the record showed, judges violated my rights to petition, due process, equal protection, and others. I do not see how anyone can honestly claim this case was ruled on the merits since my claims were not discussed or refuted. Sony stated and admitted most of my claims were dismissed without prejudice. They in bad faith claimed more times than not I did not show up or respond.

Appeal. The corrupt appeals panel was absolutely and clearly wrong that my questions were insubstantial. They would not let me appeal! They were claiming questions and proof about violations of the US Constitution were insubstantial. I do not believe for a second they believed that. Their order to affirm was unpublished. I guess that meant they did not want it used as precedent. It suggested they were not sure of their decision. It suggested written and case law did not support them. They did not explain their decision. They used circuit rule 3-6 to dismiss. The defense did not make a motion. A law or ruling says a motion about insubstantial will not ordinarily

be entertained where an extensive review of the record is required. I do not believe the panel thought reviewing 4,000 pages was less than extensive. Consideration by the full court is necessary to secure and maintain uniformity of the court's decisions. The proceeding involves questions of exceptional importance. It conflicts with the constitutional rights to petition, due process, equal protection, and about punishment. In US v Hooton, the 9th Circuit, referring to U.S. v. Alex, said they did not believe the question of whether a defendant was entitled to an evidentiary hearing was so insubstantial as to merit summary disposition. That was one of my questions. I never got an evidentiary hearing about 391 or 83-8. The appeals panel said my petitions for panel rehearing and rehearing en banc were construed as a motion to reconsider en banc the panel's order. That was bad faith and not true! They said the motion for reconsideration en banc is denied on behalf of the court. Such a vote as I asked for was done in the Moloski case about an order or finding similar to Wright's.

(9) v. Boren, et al. 13-CVS-5248, federal transferred from NC state court, a challenge to the CA federal pre-file ruling on me when I had done no wrong. McKenzie lied. I cannot even say some words for fear of arrest, jail and/or fine, or commitment. I lost lots of money from loss of work and became so psychologically damaged I became disabled and could hardly leave home and didn't want to be home either. Another lawyer stated something like I had a full and fair chance if I could appeal. I was not allowed to appeal the pre-file order this was about or the 391 one! Dismissed.

(10) v. McKenzie, et al. I asked federal court for

declaratory relief if my words in v Boren were legal. Dismissed. Federal section 2201 allows declaratory relief.

I have won every case according to law. I have won all but one issue according to law. The one exception was there was immunity. Sony never got a case with me dismissed on merit. I first filed in both federal and state courts for similar issues because I thought federal issues went to federal court and state issues went to state court or there would have been fewer cases.

Reasons my case v Boren did not violate Rule 11.

I filed in NC state court. It was transferred to federal court. All my cases did not violate federal or NC Rule 11 or similar CA 128.7. I have never had a case I filed in NC state court, of 1, heard.

1) CA 391.8, allows a chance to get off the 391 blacklist. 2) CA 553, mentioned by plaintiff Schmid & Voiles lawyer, allows challenging an injunction,

3) I did not get a full and fair attempt at litigation, like due process, neutral adjudicator, unbiased judge, there was much fraud, Sony's saying dismissal w/o prejudice is final and adverse, maybe saying I had to dismiss a federal case after a settled state case.

4) Board of Regents v. Roth allows one to prove innocence when government is involved, 5) guaranteed compensation when the government has done wrong, as in Owen v. City of Independence, 6) the orders are unlawful, so I do not have to obey them. 7) blacklists are bills of attainder.

8) all these case were about retaliation by employer Sony. Any retaliation, such as anything untrue or negative Sony says about me in court or out is illegal.

9) privilege in court words is lost if abused or a Constitutional right is involved. Kimes case. 10)

anytime I apply for a job and have to put I was terminated by Sony is defamation and a new cause of action under CA law, 11) the judges behavior was not good, so the US Constitution does not allow them to be judges, so they had no jurisdiction, were not doing judicial duties, and could not rule on merit, 12) RICO, 13) the rulings and actions were done so egregiously it didn't matter if the rulings were merit based or not, 14) I can argue for a new law, repeal of a law, or a change. 15) Their violations of federal and NC Rule 11, CA 128.7. 16) I can challenge a judgment within 10 years.
17) US Supreme Court. An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608; Pennoyer v. Neff (1877) 95 US 714, 24 L ed 565; Thompson v. Whitman (1873) 18 Wall 457, 21 l ED 897; Windsor v. McVeigh (1876) 93 US 274, 23 L ed 914; McDonald v. Mabee (1917) 243 US 90, 37 Sct 343, 61 L ed 608. U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985).
18) A law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument. Marbury v. Madison.
19) I was put in double or more jeopardy about pre-file after they were denied the first time. res judicata and collateral estoppel applied.
20) A judgment is void if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Margoles v. Johns, 660 F.2d 291 (7th Cir. 1981) cert. denied, 455 U.S. 909, 102 S. Ct. 1256, 71 L. Ed. 2d 447 (1982); In re Four Seasons Securities Laws Litigation, 502 F.2d 834 (10th Cir.1974), cert.

denied, 419 U.S. 1034, 95 S. Ct. 516, 42 L. Ed. 2d 309 (1975). Mere error does not render the judgment void unless the error is of constitutional dimension. Simer v. Rios, 661 F.2d 655 (7th Cir.1981), cert. denied, sub nom Simer v. United States, 456 U.S. 917, 102 S. Ct. 1773, 72 L. Ed. 2d 177 (1982).There was supposed to be hearing about 391 and federal pre-files. Could be questions and answers. Was Constitutional dimension. In Simer v Rios 7th cir court said Notice and an opportunity to be heard are the touchstones of procedural due process. Referenced Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313-14, 70 S. Ct. 652, 656-57, 94 L. Ed. 865 (1950). I was never heard about pre-file by Hilberman, Boren, or CA or US Supreme Courts, Wright, appeals, US Supreme Ct., Flanagan, appeals US Supreme Ct., Tally, other NC judges, appeals, and NC Supreme Ct.

21) cases. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 11087, 1092. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. See: Wahl v. Round Valley Bank, 38 Ariz. 411, 300 P.955 (1931) Tube City Mining & Milling Co. v. Otterson, 16 Ariz. 305, 146 P. 203 (1914) Milliken v. Meyer, 311 U.S. 457 , 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940) A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the

subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court.
22) takes juris. "A judgment can be void . . . where the court acts in a manner contrary to due process." Am Jur 2d, §29 Void Judgments, p. 404. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." —Merritt v. Hunter, C.A. Kansas 170 F2d 739. "Moreover, all proceedings founded on the void judgment are themselves regarded as invalid." Olson v. Leith 71 Wyo. 316, 257 P.2d 342.).
23) Cooper v Aaron US 1958: any judge who does not comply with his oath to the Constitution of the US wars against the Constitution and engages in acts in violation of the supreme law of the land. US v Lanier. US Supreme Court says judges, any government actors, state or federal, can be held liable if violate citizen's Constitutional rights, privileges, immunities, or guarantees, including statutory civil rights. US Supreme Court said when a state officer acts under a state law in a manner violative of the federal Constitution, is stripped of his official or representative character and is subject in his person to the consequences of his individual conduct. State has no power to impart to him any immunity. Pulliam v Allen, US Supreme Court states Civil Rights Act interpreted Congress meant to reach unconstitutional acts by all state and federal actors, including judges. Judge not acting as judge but private individual (in his person). When a judge acts as trespasser of the law, does not follow the law, the judge loses subject matter jurisdiction. And the

judges' orders are void.
24) always proper and never improper to fight injustice, meanness, hate, evil.
25) Denton v. Hernandez, 504 U.S. 25 (1992). There can be an arguable basis and not just if a law. The case says: A factual frivolousness finding is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible. Arguable basis was used by the federal judge in my case v Sony when Sony asked for sanctions and was denied.
26) NC Rule 60. Relief from judgment or order. (a) Clerical mistakes. - Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the judge at any time on his own initiative or on the motion of any party and after such notice, if any, as the judge orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate division, and thereafter while the appeal is pending may be so corrected with leave of the appellate division.
I tried to appeal. I went to the Cumberland County Clerk's office to see if I filed there or at the NC Court of Appeals. They said it had to be approved by Judge Ammons. I gave my record. I never heard back. I later filed the record in the appeals court. At first, appeals dismissed the plaintiffs' claim I didn't follow procedures. A year later, I received a letter saying they reversed and the appeal was denied about procedure! The letter was dated a year earlier than the postmark!
(b) Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud, etc. - On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment,

order, or proceeding for the following reasons: including
3. Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party. The plaintiffs did this over and over and did not cite laws or case laws correctly or at all. I had not violated a law.
6. Any other reason justifying relief from the operation of the judgment.
27) There is no way it is improper to challenge a case when a law was unlawfully used on a person, when unlawfully punished, and when rights were violated, and no way it was improper to argue for a law, change, repeal, plus about 391 and 2 pre-files I was not allowed to appeal, and when fraud and not due process. There is no way my case v Boren or any were for an improper reason. The pre-file order was not even narrowly tailored to the false allegations about me.
28) Their violations of federal 1512-13 obstruction of justice, 241-2 taking of rights, 4 misprision.
29) There was not due process.
30) There was fraud.
More Points.

277.1 and violating a lawful order have to be willful. The orders on me are not lawful. Even if they were, I did nothing willfully.

Forte v Forte is about contempt. Wilfulness in matters of this kind involves more than deliberation or conscious choice; it also imports a bad faith disregard for authority and the law. Mauney v. Mauney, 268 N.C. 254, 150 S.E.2d 391 (1966); West v. West, 199 N.C. 12, 153 S.E. 600 (1930). I did not have a bad faith disregard for authority and the law. I want the law and US Constitution followed! I had a

right to say my words and thought I did. I had no intention to violate a law.
State v. Whittle. NC Appeals. In each of these three cases against the defendant, she is alleged to have acted "willfully." Acting "willfully" means acting "voluntarily, intentionally, purposefully and deliberately, indicating a purpose to do it without authority, and in violation of law." The State is required to prove beyond a reasonable doubt. The word "willfully" means "something more than an intention to commit the offense." State v. Stephenson, 218 N.C. 258, 264, 10 S.E.2d 819, 823 (1940). "It implies committing the offense purposely and designedly in violation of law." In this case, the trial judge instructed the jury that "`willful' means intentionally. Because the instruction did not inform the jury that to be "willful," the act or inaction must also be "purposely and designedly in violation of law," it was not complete. This error requires a new trial if there "is a reasonable possibility that, [had the correct instruction been given,] a different result would have been reached at the trial." I didn't get a trial

State v. Arnold, NC Supreme Court (1965). Wilful" as used in criminal statutes means the wrongful doing of an act without justification or excuse, or the commission of an act purposely and deliberately in violation of law.

My conscience and beliefs prevent me from lying and saying I violated Rule 11. I was not warned of sanctions, contempt, or monetary sanctions. They never told me what any punishment might be or would be. I was never warned something was wrong with my filing. No other sanctions were tried. McKenzie falsely claimed they were. I could not have

been warned and sanctions could not have been tried because McKenzie got a temporary no contact/TRO and filed a case the same day claiming other sanctions had been tried. He never said anything in the case, that was transferred to federal court, while it was in NC court. I don't think he said anything in federal court about it. Federal Judge Flanagan in v Boren did not use similar federal Rule 11, implying or implicitly saying there was not a Rule 11 violation. She used federal 1651. Shirley Shippen v John Shippen in NC Appeals is about religious beliefs, beliefs are not reasons that someone should be punished. About willful, the case said if his actions were the natural product of his sincerely held beliefs, then they were not a deliberate and purposeful attempt to break the law. So, I am not supposed to be punished if I do not state in pre-file it was found I violated Rule 11 or because I filed any case.

The US Constitution prohibits compelled speech. So, I do not have to lie and say I violated Rule 11. In Rumsfeld. v. Forum for Academic and Institutional Rights US (2006), the US Supreme Court said: Some of this Court's leading First Amendment precedents have established the principle that freedom of speech prohibits the government from telling people what they must say.

Judge Bell said he thought it would be better for me if I had to get an attorney to sign what I wanted to file. That indicated he thought the pre-file in place was unfair. McKenzie had suggested the idea as an alternative to a new pre-file he requested and was denied. That indicated McKenzie was not sure what the court would think. McKenzie wrongly tried a new pre-file order 3 times and was denied 3 times. The first attempt at pre-file was wrongly tried.

Two NC laws say that saying what is of public record cannot be punished. The plaintiffs, McKenzie, and courts in bad faith violated this. NC GS 5A-11 states: Court orders prohibiting publication or broadcast of reports of open court proceedings or reports of public records banned. 7A-276 is similar. They said appealing about my words were new threats.

There was malicious prosecution and abuse of process by the plaintiffs, McKenzie, and others. I found a definition: abuse of process is if they invoked the legal system in order to extort, threaten, or harass. They did. They have dirty hands, contributory negligence, and intentionally did wrong. I was not given the requirement that courts take my statements as true. I want and never got a court appointed attorney possible in the Civil Rights Act of 1964 in 2000e or because I was involuntarily committed or disabled. McKenzie said a plaintiff got an armed guard because of me, a clearly illegal threat. They have really stressed me. I think most people know stress can cause physical as well as mental harm. These people have done that to me. Stress can lead to premature death. I think that is happening to me. This is assault on a person with a disability. Deputies kidnapped me and took me to the hospital. I was released as not a danger. There was conspiracy by the plaintiffs and evidently at least one judge or maybe magistrate, but I was never shown any paperwork. NC GS 122C-204 states: Civil liability for corruptly attempting admission or commitment. So, that is a counterclaim for me.

All this is retaliation. All cases with Sony were about and involved retaliation. Retaliation is always actionable, even when done in court or court papers.

I asked this court for a transfer to federal court but did not get it. I don't think Rule 65 was used. There was no preliminary injunction, and as far as I know, no security posted by the plaintiffs. There was fraud and not due process. In DeShaney, about due process, the US Supreme Court discussed limiting freedom to act on one's own behalf. I did not have that freedom. The plaintiffs and/or attorneys lied and made up evidence. No plaintiff has signed a statement or affidavit. I was punished and fired for serving on jury duty, by Sony and CA state court where I had jury duty! Suspiciously, the union got jury duty pay for members soon after my termination, I think in less than a year. We did not have that when I was on jury duty.

McKenzie would not answer my discovery request. That is a Rule 37 violation. He wrote to the court saying he would not respond to my request for discovery unless the court told him to. He basically told the court what to do. He wasn't really asking. He asked for a delay of the 6/10/19 trial. I received a notice 6/1/19. He said he needed to find some more documentation. I am skeptical. He had all the information about what he and I wrote in this case. I think it was a Rule 11 violation about unnecessary delay. There was supposed to be a settlement conference. There wasn't one. One was never scheduled. A new trial date was set for 8/26/19. Dispositive motions were supposed to be done by 14 days before trial. McKenzie got one done on 8/26/19. I thought the trial was at least partly to allow me to make my counterclaim. The plaintiffs had done their claims.

A jury should decide the facts. McKenzie, Judge Hill, and I said there were questions of fact and law.

I refer to all papers and transcripts in this case and all my cases, so I can refer to them later and not have to print them all out now.

If a get a real chance at a counterclaim, this is all over. Not wanting my counterclaim must mean the plaintiffs, McKenzie, and the courts wants things to continue. If they had not violated my Constitutional rights and violated laws all those times, this case would have never happened. No case would have ever happened. They trampled all over my Constitutional rights and the US Constitution. I deserve the right to present a counterclaim to prove they did all those wrongs and I did no wrong. None of this and none of these cases would have ever happened if I had been treated right and fairly at Sony and not been harassed, defamed, and lied about and to, and if I had been promoted fairly and gotten away from Russo. I was at Sony 3 years and 4 months.

I was told to follow the rules and the pre-file order. That is contradictory. I can't do both. No one could. A rule says a counterclaim is compulsory. The rules say follow rules and lawful orders or you can be punished. The pre-file and no-contact orders are unlawful. The pre-file order says I must lie. I cannot and will not do that because of my beliefs, including religious beliefs. It would also violate Rule 11, exactly what I was wrongly and maliciously accused of doing in the pre-file order.

Judge Page said I could request to file a counterclaim. I think that indicates she thought I had reason or good reason for a counterclaim. I argue a counterclaim is not a new lawsuit, so the unlawful pre-file order, even if lawful, did not apply to a counterclaim. The case name and number are still

the same. I am still the defendant. They are still the plaintiffs. A claim is not a lawsuit but in a lawsuit.

In my answer to this case in 2018, I stated the following in this paragraph. I make a counterclaim against the plaintiffs and David McKenzie. I would like to add the City of Fayetteville for following me at the courthouse, Cumberland County for taking me to the hospital and following me at the courthouse, coming to my home, the State of NC for their part in this, including actions by judges and justices, Moose Butler, Deputy Reidy, Sheriff Ennis Wright, law firms Olive & Olive P.A and Sands Anderson PC, and Cape Fear Valley Medical Center (who participated in my hospitalization). I would like to add, if possible, judges, justices, Trial Administrator, Clerk of Court, and some employers who denied me employment. I name these new parties for all the things in this case that relate to them.

Other people told me deputies and the police came to my house twice heavily armed, with protective gear, and with a battering ram and surrounded my house. That was the day of the temporary no contact/TRO, 12/19/13. I was not at home.

I applied for a counterclaim in my reply to the first case, 9617, about January 2014, about a year before the pre-file order that was dated 1/5/15.

I now add Ronnie Mitchell. He illegally took my concealed carry permit. He said something like the sheriff's department made new policies about guns. His words meant they would unconstitutionally prevent people from getting a gun permit and so from having a gun. He conspired with others. I add an employee in the DA's office who said we will not give you your firearm back when I had not asked for it. I am not sure if out of state companies,

organizations, or people can be added, like my union, or if there is not jurisdiction. I ask if they can.

Remedy. Compensation, emotional relief, punitive damages, psychological help. The psychological damage is the worst. I ask for a jury trial. I want expungement.

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

CUMBERLAND COUNTY FILE NO. 18 CVS 2797

FILED
2019 OCT 31 P 2:20
CUMBERLAND CO, C.S.C
BY _____

SONY PICTURES, et al.)
)
Plaintiffs)

ORDER ON
DEFENDANT'S REQUEST FOR
COUNTERCLAIM

GLENN HENDERSON)
)
Defendant)
)

This matter coming on to be heard upon defendant Henderson's Request to file Counterclaim; and the court finding no merit to the Request; and the Court further finding that this Request should be dismissed pursuant to the Order of Superior Court Judge Pait on September 26, 219:

IT IS THEREFORE ORDERED that defendant's

Request for Counterclaim is hereby DENIED.

It is further ORDERED that the Cumberland County Sheriff shall personally serve the Order on the Defendant as soon as is practicable.

This the 31st day of October, 2019.

Mary Ann Tally
SURPERIOR COURT JUDGE PRESIDING

NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

CUMBERLAND COUNTY SUPERIOR COURT DIVISION

13 CVS 9617

SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCMID AND VOILES, KATHLEEN MCCOLGAN,, ESQ., ROSEN & SABA LLP, JAMES ROSEN, ESQ., AND ADELA CARRASCO, ESQ.
Plaintiffs
v.
GLENN HENDERSON
Defendant

Filed
2013 DEC 19PM 12:13
Cumberland County C.D.C.
By

COMPLAINT

For No Contact and Gatekeeper Orders

Plaintiffs' complaint of the defendant as follows:

PARTIES

1. Plaintiff Sony Pictures Entertainment ("Sony") is a Delaware corporation that produces and distributes entertainment content (e.g., motion pictures and television programs). Sony is authorized to conduct business and utilize the courts of this State under a properly issued Certificate of Authority.
2. Plaintiff Kin Russo is a California resident who once worked for Plaintiff Sony. Russo previously supervised the Defendant at Sony.
3. Plaintiff Dchmid & Voiles is a California law firm and Plaintiff Kathleen McColgan is a California resident who works as a lawyer at that firm.
4. Plaintiff Rosen & Saba LLP is a California law firm, and Plaintiffs James Rosen and Adela Carrasco are California residents who work as lawyers at that firm.
5.. Defendant Glenn Henderson ("Defendant" or "Henderson" is a resident of Cumberland County, North Carolina, and a former employee of Sony.

JURISDICTION AND VENUE

6. The Court has subject matter jurisdiction.
7. This Court has personal jurisdiction.
8. Venue lies in this county and trial division pursuant to NC Gen Sat ss 1-82 anf 50C-2©. Though venue may lie in Wake or Durham County, the Plaintiffs bring this action in Cumberland County so that Henderson is burdened as little as possible.

FACTS

HENDERSON'S 2013 LAWSUIT

9. In July 2013, Henderson commenced a civil action in this form against 45 body politics, entities, judges, and other individually named defendant. Ex. 1.

10. This was Henderson's **twenty-Fourth** civil filing spanning over eleven years, all but one of which were somehow connected to Henderson's 2002 Sony employment termination or his subsequent litigation related to his Sony termination, including appeals, it was at a minimum, Henderson's **thirty-ninth** attempt to litigate in eight venues, including the Superior Court of Los Angeles County ("SCLA"), the California Court of Appeals ("Cal App 2d district), the Supreme Court of California, the Central District of California ("CD Cal"), the Ninth Circuit Court of Appeals ("9th Cir"), the Cumberland County Superior Court of North Carolina, the Eastern District of North Carolina (EDNC"), and the United States Supreme Court. Henderson's filings, all of which have been dismissed on the merits, include:

A. *Henderson v. Sony Pictures Entm't*, BC270938 (SCLA 2001).

B. *Henderson v. Sony Pictures Entm't*, 02-CV06081-DDP (CD Cal 20002).

C. *Henderson v. EEOC, et al.,* 03-CV-3208-DDP-(CD Cal 2003).

D. *Henderson v. Seltzer*, 03-CV-5431-RSWL (CD Cal 20003), aff'd 135 Fed Apps 934 (9th Cir 2005), cert denied, 557 US 920 (2009).

E. *Henderson v. Seltzer*, SC078306 (SCLA 2003), appeal dismissed, B176945 (Cal App 2d Dist 2005).

F. *Henderson v. Office & Professional Employees Intt'l Union*, EC037889 (SCLA 2003).

G. *Henderson v. Wright Institute of Los Angeles*,

EC037889 (SCLA 2003), judgment aff'd as modified, 2005 Cal App Unpub LEXIS 4397 (Cal App 2d Dist 2005).

H. *Henderson v. Office & Professional Employees Int'l Union, at al*, 03-CV-8082-DDP (CD Cal 2003), aff'd, 143 Fed Apps 741 (9th Cir 2005), cert denied, 548 US 907 (2006).

I. *Henderson v. United States, et al.,* BC304395 (SCLA 2004).

J. *Henderson v. Sony Pictures Entm't, et al.,* 03-CV-08782-ABC (CD Cal 2003), aff'd 135 Fed Appx 934 (9th Cir 2005).

K. *Henderson v. Sony Pictures Entm't, et al.*, SC079972 (SCLA 2003).

L. *Henderson v. Sony Pictures Entm't, et al,.* 04-CV-00138-DDP (CD Cal 2004).

M. *Henderson v. Sony Pictures Entm't, et al..* 04-CV-8748-DDP (CD Cal 2004), add'd, 288 Fed Appx 387 (9th Cir 2008), cert denied. 557 US 920 (2009).

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O. *Henderson v. United States*, 05-CV-1434-DDP (CD Cal 2005).

P. *Henderson v. Sony Pictures Entm't, et al.*, SC085392 (SCLA 2005), appeal dism'd, B18777753 (Cal App 2s Dist 205), cert denied, 2006 Cal LEXIS 6895 (Cal 2006).

Q. *Henderson v. Los Angeles County Districts Attorneys' Office*, BC35920 (SCLA 2005), appeal dism'd, B191638 (Cal App 2d Dist 2005).

R. *Henderson v. Robertson, et al.,* 05-CV-5659-ABC (CD Cal 2005), aff'd, 292 Fed Appx 642 (9th Cir 2008), cert denied, 556 US 1282 (2009).

S. *Henderson v. Sony Pictures Entm't, et al*, 05-CV-09000-DDP (CD Cal 2005).

T. *Henderson v. Local 174 Union (OPEIU) in NY, et*

al., EC042867 (SCLA 2008).
U. *Henderson v. Sony Pictures Entm't, Hilberman, Boren, et al.,* SC090814 (SCLA 2006).
V. *Henderson v. Local 174 Union, OPEIU in NY, et al.*. 07-CV-05100-PA (CD Cal 2007), judgment summarily affirmed as "questions raisded in this appeal are so insubstantial as not to require further argument," 09-56173 (9th Cir 2009).
W. *Henderson v. Joe Hilberman, et al.*, 07-CV-07714-ODW (CD Cal 2007), appeal dismissed as interloculotory. 08-56233 (9th Cir 2008).
X. *Henderson v. Roger Boren et al.*, 13 CVS 5248 (Cumberland County), removed 13 September 2013 and assigned case number 13-CV-635-FL (EDNC 2013).
11. Henderson held his most recent Complaint for 47 days before attempting service. Henderson began to serve the Plaintiffs to this action on or about 25 August 2013.
12. In addition to making rapacious demands for damage, Henderson used his July 2013 cicil action to demand that the Plaintiffs to this action be, *inter alia,* arrested, disbarred, and imprisoned. If not, Henderson threatened "a citizen's arrest" and critically, **threatened to kill anybody who gets in his way**. Ex. 1, p. 34. As demonstrated below, Henderson later claimed, "I made proper threats and threats that needed to be made."
13. Because Henderson sued sitting federal district and appellate judges, federal courts had original jurisdiction over Henderson's action, and therefore, the United States removed Henderson's action to the Eastern District of North Carolina on 13 September 2013.
14. Over the next two months, most of Henderson's

targets, including the Plaintiffs, moved to dismiss Henderson's complaint.

15. Oral hearings are infrequent in North Carolina federal courts. A moving party must support a motion with a supporting brief, and opposing party may respond. Replies are discouraged, and sur-replies require leave of court. Federal court judges generally decide motions on these written filings.

16. As the briefs supporting motions to dismiss mounted, so did Henderson's threats.

17. In response to California judges' and public officials Motion to Dismiss, Henderson explains that his previous threats were "to let them know and be prepared that I was thinking about a citizen's arrest and planned to defend myself," if Henderson perceived harm. Ex. 2, p 2.

18. In response to these complaining Plaintiffs' Motion to Dismiss, Henderson on 28 October 2013, again explains that his previous threats were offered because he "did not want to just show up and they not know why," Henderson reasons:

> The defendants complained and alleged I made improper threats. I did not. They did not say illegal. I made proper threats and threats that needed to be made. I have the right to place them under citizen's arrest in CA. I have read that NC has a citizen's detainment law but not a citizen's arrest law... I wanted them to be prepared if I tried citizen's arrest. I did not want to just show up and they not know why. I thought it would be better and probably safer for everyone, if they were prepared. It might be less safe for me. They have no complaint about my cases and threats. They have dirty hands. They deserve to be arrested and go to prison.

Ex. 3, pp. 2-3.

19. in the same response, Henderson also offers the following:

McKenzie and his law firm Sands Anderson have joined in and have made new causes of action for themselves and their clients. These defendants in this paper {sic} and whole case have terrorized me. When, I was fired at Sony, I was terrified. I was afraid I would become homeless and die on the streets. I was so terrified that I went to the emergency room at a hospital to get help. I got some medication. I started seeing a psychologist and went to group therapy. i am the same way now. i haie severe anxiety, fear, terror, depression, and anger. The anger is the worst. **They are lucky I have not gotten a gun and shot all of them I could.** I do not want to do that. I have promised myself if I ever get to the point I want to shoot anyone, then I would go to a hospital psychiatric unit or emergency room for help and to check in. **If the defendants have done this or will do this to someone, they will be lucky if no one gets a gun and shoots them.**

Ex. 3, pp.3-4.

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20. Plaintiffs did not offer a Reply to Henderson. Though extremely alarmed, Plaintiffs did not want to stir Henderson into making additional threats. (Also and as noted, replies are strongly discouraged in the EDNC).

21. The Town of Hope Mills, however, did offer a reply to Henderson. To that, Henderson offered a sur-Reply which included the following delusion:

I will fight all of them for as long as it takes. To get that right and to get justice. This and these people have got to be stopped. They are terrorizing my (sic) and trying to force me out of town and out of NC

...{Hope Mills is} doing to me what Sony, Russo, and the corrupt lawyers and judges have done. **I need to be willing to die over this. They will have to kill me to stop me from fighting this.**

Ex. 4, p 1.

22. In this same sur-Reply to Hope Mills, Henderson stresses that the subject matters of his multiple complaints are "very much worth fighting for"; he seems to align himself with other "Americans have fought for that, and many have died or been wounded."

Ex. 4, p 7.

22. On 20 November 2013, EDNC District Court Judge Louise Flanagan dismissed Henderson's action against the Plaintiffs to this lawsuit. *Henderson v. Rosen, at al* US Dist LEXIS 165065 (EDNC 2013).

II. Henderson's Previous Lawsuits and Vexatious Litigant Declaration

24. Henderson's July 2013 civil action was the twenty-fourth regarding either his termination from Sony in 201 or the subsequent litigation related to his Sony termination. Ex 12-3. It was Henderson's first in North Carolina.

25. Each time Henderson files a new lawsuit, his sights broaden so that any lawyer who represents a named party becomes a named defendant in one or all of his subsequent actions. For instance, Henderson July 213 action named Scmid & Voiles and Kathleen McColgan because they once represented (in California) a California psychiatrist who evaluated Henderson (in California) in 2006.

25. A review of Henderson's state and federal litigation history demonstrates a habit of filing complaints without factual support or a legal bassis. Henderson's complaints are often rambling and

incomprehensible rants against a multitude of defendants grounded on little more than a personal belief that "justice" for him has been denied.

5

27. Henderson's litigation history follows this general pattern. Henderson alleges any and all conceivable civil and criminal wrongs, and then fails to support those claims in court; dismissal is entered; and. Then, Henderson resurrects the same claims after having lost previously. This pattern is nothing less than frivolous, vexatious, and harassing.

28. Moreover, Henderson's many complaints, including the one filed in this Court in July 2013, demonstrates a consistent unwillingness or inability to comply with basic procedural rules that require a plaintiff to file a coherent complaint with a cognizable basis for recovery. Each time, Henderson tells disconnected and disoriented stories about alleged abuses caused by government entities, federal and state judges, attorneys, and/or private individual businesses. While Henderson may believe these persons or entities are to blame for his misfortunes, he never provides factual support for his claims. The composite effect on the Plaintiffs is extreme annoyance and harassment.

29. Since 2001, Henderson has repeatedly forced his targets, including Plaintiffs, to appear and respond to baseless and incomprehensible complaints, resulting in a needless waste of time, money, and public judicial resources.

30. Conversely, when instructed by a court to appear and explain, or respond in writing and explain, why a claim has merit, Henderson more often than not fails to appear or respond. The net result is that a given court dismisses Henderson's undefended

claims only to see the same claims reappear and refiled, usually in a nearly identical pleading, forcing blameless parties and the court to begin the costly process anew.

31. For these reasons, California State and Federal Courts have declared Henderson a "Vexatious Litigant" and have imposed pre-filing injunctions against him.

32. In 2005, the Superior Court of Los Angeles County declared Henderson a "Vexatious Litigant" and imposed a permanent injunction requiring Henderson to post a $10,000 bond and receive judicial permission before commencing an action related to his Sony employment (or subsequent litigation related thereto). Ex. 5.

33. In 2009, the Central District of California likewise declared Henderson a Vexatious Litigant and imposed a permanent injunction requiring Henderson to receive judicial approval before commencing an action related to his Sony employment (or subsequent litigation related thereto). The Ninth Circuit affirmed the declaration and injunction, and the United States Supreme Court refused *certiorari* on the matter. Ex. 6.

6

34. Most of Henderson's July 2013 North Carolina defendants were named as parties because they had something to do with Henderson' "Vexatious litigant" declarations. For instance, Judge Otis Wright was a defendant because he entered the order declaring Henderson a Vexatious Litigant, which according to Henderson (or so it appears), is actionable alone and also defamatory, Ex. 1, pp 17-21; Ex. 6.

35. Henderson's most recent action makes it abundantly clear that he has no intention of stopping

his parade of harassing lawsuits. See e.g., Ex. 1, p. 24 (proclaiming that he will not stop and "will fight until I get justice or die"); see also 21, supra.

36. in addition to enduring the concomitant stress, burden, and cost of responding to yet another lawsuit, Henderson's targets now must suffer the stress and anxiety of Henderson's threats of physical violence. In his recent July 2013 complaint, Henderson repeatedly promises to fight, endlessly, various entities and [people like the Plaintiffs. In his responses to various motions to dismiss, Henderson repeatedly references *inter alia*, death, dying, fighting, killing, being killed, detaining or arresting, and guns. He makes it clear that Plaintiffs are luckly that they have not been "**shot**," and that they will be lucky if "**no one gets a gun and shoots them**."

37. NC Gen Stat 50-C provides Plaintiffs with a remedy to protect them from Henderson's threats of violence, and Rule 11 provides this Court with authority to impose a Gatekeeper Order on a Defendant's inevitable future filings.

38. Finally, Henderson's conduct is illegal. Threatening to injure another, no matter how cleverly couched or conditionally imposed is a Class 1 misdeameanor if the threat is delivered in a manner that makes a reasonable person believe that the threat is likely to be carried out. NC Gen Stat 14-277.1: *State v. Roberson*, 37 NC App 714, 716 (1978). More seriously, it is a felony to knowingly and willfully make a threat to inflict bodily injury or kill a court officer, NC Gen Stat 14-16.7, which includes attorneys, *Smith v. Bryant*, 26 NC 208, 211 (1965), and receipt of the threat or actually believing it is irrelevant. NC Gen Stat 14-16.8.

Count I
Injunctive Relief
Permanent No Contact Order
NC Gen Stat 0-C

39. Plaintiffs replead the foregoing paragraphs.

40. Henderson has committed acts of unlawful conduct, including by harassing and/or stalking Plaintiffs as defined by North Carolina General Statutes.

41. Henderson's multiple threats of arrest, detainment, or physical harm have caused Plaintiffs to fear for their safety.

42. Plaintiffs request that this Court impose a civil no-contact order effective for one year, renewable for every subsequent year, against Henderson pursuant to NC Gen Stat 50-C-5 ordering that:

a. Henderson forfeit and place into the custody of the Cumberland County Sheriff any and all firearms and prohibit Henderson from applying for the same without notice to Plaintiffs and permission from the Senior Resident Superior Court Judge of this Court;

b. Henderson not visit or come within 500 yards of the physical space of Plaintiffs or any Plaintiff's employee, including any home, workplace (including offices or courthouses), headquarters, filming locations, or any other place of residence, operation or business;

c. Henderson be required to notify this Court and Plaintiffs' attorney about any planned or actual trip to Los Angeles County, California;

d. Henderson not assault or otherwise interfere with Plaintiffs or any Plaintiff's employee;

e. Henderson not stalk Plaintiffs or any Plaintiff's employee;

f. Henderson not harass, abuse, or injure Plaintiffs

or any Plaintiff's employee; and,

g. Henderson not contact any Plaintiff or a Plaintiff's employee by telephone, written communication, or electronic means.

8

Count II

Injunctive Relief

Imposition of Gatekeeper order

NC R Civ P 11

43. Plaintiffs replead the foregoing paragraphs.

44. Courts have the inherent authority to enter a restrictive pre-filing ("Gatekeeper Order") against vexatious and repetitive litigants. *Cramer v. Kraft Foods N.Am, Inc.*, 390 F.3d 812 (4th Cir. N.C. 2004); see also *In Re Alamance County Court Facilities*, 329 NC 84, 94 (1991) (Court has "inherent power" to do "all things that are reasonably necessary for the proper administration of justice.")

45. When Henderson failed to circumvent California orders that imposed gatekeeper limits on his pleadings, he filed a vexatious action in North Carolina.

46. As with the vast majority of his 23 prior actions, Henderson's July 2013 filing lacked a legal basis and, instead, was a part of a campaign to harass Plaintiffs and cause them grief and expense. Henderson declares in his North Carolina Complaint that he will not cease his filings until he prevails, which he cannot. He affirms the same in his various responses and replies offered to the Eastern District of North Carolina.

47. The only effective means to prevent Defendant's further filings in North Carolina is to impose a similarly restrictive Gatekeeper Order.

48. NC Gen Sta 1A-1, Rule 11 (213), requires a trial

court to impose "an appropriate sanction" against any party who files a pleading that is not well grounded in fact: warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; or interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

49. Imposing a Gatekeeper Order requires that the trial court weigh all the relevant circumstances, including: (1) the party's history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts or other parties resulting from the party's filings; and (4) the adequacy of alternative sanctions. *Johnson v. Bank of Am NA*, 736 SE 2d 648 (NC Ct App 2013).

50. Pursuant to Rule 11, Plaintiffs request that the Court impose a Gatekeeper Order, applicable to the entire General Court of Justice throughout the State of North

Carolina, requiring that Henderson present all future pleadings to the Senior Resident Superior Court Judge of this Court to determine whether his pleadings meets Rule 11's requirements for filing.

51. Pursuant to Rule 11, Plaintiffs also request that this Court impose upon Henderson a $10,000 bond as a condition to initiating any action against any Plaintiff to this action or regarding any matter related to his termination from Sony (or the subsequent litigation related thereto).

WHEREFORE, Plaintiffs respectfully pray that

this Honorable Court:

1. ORDER and enter a civil no-contact order effective for one-year, renewable for every subsequent year, against Henderson pursuant to NC Gen Stat 50-C, requiring that:

a. Henderson forfeit and place into the custody of the Cumberland County Sheriff any and all firearms and prohibit Henderson from applying for the same without notice to Plaintiffs and permission from the Senior Resident Superior Court Judge of this Court;

b. Henderson not visit or come within 500 yards of the physical space of Plaintiffs or any Plaintiff's employee, including any home, workplace (including offices or courthouses), headquarters, filming locations, or any other place of residence, operation or business;

c. Henderson be required to notify this Court and Plaintiffs' attorney about any planned or actual trip to Los Angeles County, California;

d. Henderson not assault or otherwise interfere with Plaintiffs or any Plaintiff's employee;

e. Henderson not stalk Plaintiffs or any Plaintiff's employee;

f. Henderson not harass, abuse, or injure Plaintiffs or any Plaintiff's employee; and,

g. Henderson not contact any Plaintiff or a Plaintiff's employee by telephone, written communication, or electronic means.

2. RESTRAIN Henderson by imposing a Gatekeeper Order, applicable to the entire General Court of Justice throughout the State of North Carolina, requiring Henderson to present <u>all</u> future pleadings to the Senior Resident Superior Court judge of this Court to determine whether his pleading meets the requirements of Rule 11.

3. Restrain Henderson by requiring that he post a $10,000 bond as a condition to filing any pleading against any Plaintiff to this action or regarding any matter related to his termination from Sony or his subsequent litigation related thereto.

4. Award reasonable attorney's fees, in the absolute discretion of this Court and considering Henderson's mental and financial health in the context of his most recent vexatious litigation; and,

5. Grant such other and further relief as this Court deems proper.

This is the 19th day of December 2013.

Sands Anderson PC
Attorneys for the Plaintiffs

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Exhibit 1

Exhibit 1.
Glenn Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314
910-867-4931
Defendant

CUMBERLAND COUNTY SUPERIOR COURT
FOURTH DIVISION
STATE OF NORTH CAROLINA

CASE NO. 13CVS5248
COMPLAINT Civil rights
Filed 2013 JUL -9 AM 9:47
Cumberland Co., C.S.C

PLAINTIFFS
United States Department of Justice and Glenn Henderson

-v-

Roger Boren, Sony Pictures, State of California, Los Angeles County District Attorney's Office, Peter Glick, Steve Cooley, CA DOJ, Clinton & Clinton, David Clinton, ESIS, Culver City PD, Sony Pictures Entertainment, Eve Coddon, Holly Lake, James Zapp, Amy Dow, Paul, Hastings, Janofsky, & Walker, LLC, Ronald George, Carlos Moreno, Joyce Kennard, Kathryn Werdegar, Ming Chin, Marvin Baxter, Carol Corrigan, Linda Lefkpwitz, LAPD Judicial Council, Head of Judicial Council and administrator of 391 list, Schmid & Voiles, Kathleen McColgan, Suzanne de Rossa, CA Superior Court, Kim Wardlaw, Raymond Fisher, Marsha Berzon, Otis Wright, James Rosen, Adela Carrasco, Kim Russo, OPEIU, Christine Page, clerk of court Santa Monica, Hope Mills
DEFENDANTs

Complaint

1. Reasons for this Case. This case is mainly about the unconstitutional CA Code of Civil Procedure Section 391and the partially unconstitutional Federal Local Rule 83-8 being used against me, even though I had not remotely violated either law, and about getting these laws declared unconstitutional. I was wrongly and maliciously declared to have

violated these laws. This case is about constitutional and Civil Rights violations. I would like for the court to rule I had not violated the laws, that they were wrongfully, illegally, and maliciously used against me, to make sure these wrongs are adequately punished and for there to be compensatory, emotional damage, punitive, injunctive, and declaratory relief for me, and for criminal prosecution against the defendants. 83-8 is partially unconstitutional in the place where it refers to CA Code of Civil Procedure Section 391. I want it declared all of my cases had merit and should not have been dismissed and could have gone to trial. It may sound like I have had a lot of cases, but it is not considering the wrongs that were done by the defendants. Some of my cases were dismissed without prejudice and some were dismissed with prejudice, including some because I refused to pay $10,000 to have them heard. Except for my first case, I want it ruled that my cases were dismissed wrongly by mistakes by some judges and justices and/or by bad faith lying and tricks by lawyers and/or by bad faith and corruption by some judges and justices. I want it ruled that the cases involving 391 and 83-8 that were dismissed with prejudice were wrongly dismissed. I want my cases reinstated, tried, and actually litigated. I am complaining about the judges in their public, professional, and personal capacities. I want it declared these cases had merit and cannot be used against me. I am challenging my cases except the first. I have 10 years to challenge these cases, according to CA and NC laws. RICO applies. My cases were used against me by Sony in an attempt to get sanctions in federal court; they failed. Then, they tried in state court using 391 with Judge

Hilberman, then in federal court using 83-8 with Judge Wright. That violated res judicata and collateral estoppels. I am fighting that I was defamed in court and want to bring claims that were dismissed without prejudice. I am trying to show I had not had 5 cases adversely and finally determined against me when Hilberman used 391 against me and had not violated any of 391.

2. Events that Lead to my Cases. I was wrongfully and maliciously punished and terminated by Sony. Sony fraudulently got me to sign an unfair settlement. Sony illegally threatened and harassed me about free speech and continued to retaliate against me after my termination. My union would not adequately help me. My union representative lied in court papers. The EEOC did not adequately help me. I was denied workers' compensation (WC) and defamed by doctors who did not look at all the evidence and was denied WC because of Sony's fraudulent conduct. While getting medical records for my WC claim, I found out a psychologist had made up defaming claims about me. The LA DA's office, CA DOJ, and USDOJ would not help me with my problems with Sony. I found I had post traumatic stress syndrome (PTSD), anxiety disorder, and depression because of a doctor's actions when I was a child. Sony and corrupt lawyers, judges, and justices started that up again and made it much worse. The defendants in this case were all saying these things done to me were perfectly all right, and that I have no complaint. Not only that, but I am the bad guy for complaining about and fighting these things, and I need to be punished. That is absolutely ridiculous and absolute bad faith. I wonder how anyone would feel if all this happened to them and if all these

people did all this wrong. It is unbelievable what some people will do.
3. My Cases. There were 21 cases I talked about in the last case, which was case 24. There were 23 on record , but 2 were transferred and were in both federal and state court. 6 of the 21 were because I thought I had to file in both state and federal court, or there would have been 15. (I filed once in state court and once in federal court at about the same time and about the same or partly the same issues 6 times for a total of 12 cases.) 2 others were about trying to get off the 391 list and 2 were about addressing constitutional and Civil Rights wrongs related to court and court papers, or there would have been 11. 3 others were about Sony's wrongdoing after my termination, or there would have been 8. A service issue occurred with the EEOC, or there would have been 7. That left 7 original defendants or groups of defendants: Sony (and WC carrier), union, EEOC, LA DA's office (other law enforcement or court people), WC doctor (another later), psychologist, and a doctor (and hospital). My cases were as follows in the next paragraphs. I refer to these cases and mention the documents of these cases, so I can show them to help the court to see my points and more details of the wrongs by the defendants and so this complaint would not be a few hundred pages long. I thought federal issues belonged in federal court and state issues belonged in state court. I can do that. I realize now I can also combine federal and state issues in one case. The cases discussed next with CV were in federal court. The others were in state court.

(1) v. Sony, BC270938. CA State Court. This was about discrimination but only in my not getting promoted. I signed a very unfair settlement.
(2) v. Sony CV 02-6081-DDP. Federal Court. This was about discrimination in many things and not just promotions; it was about defamation, wrongful termination, and other things. Sony's lawyer told me I had to drop this case because of the settlement in the last case. I dropped it.
(3) v. EEOC, CV 03-3208 DDP. It was dismissed with prejudice because I had not done administrative remedy and because I could not name the EEOC as a defendant but could name the United States or United States Government. I still had time to do administrative remedy and rename the defendant and did it. The case should have been dismissed without prejudice.
(4) v. Seltzer, CV 03-5431-RSWL. This was dismissed for lack of jurisdiction and affirmed on appeal. I thought doctors are subject to discrimination laws similar to the way restaurants, motels, hotels, and other businesses that are open to the public are as in Title II. I did not realize I could oppose a Motion to Dismiss by the defense, so apparently, it was considered I waived that right.
(5) v. Seltzer, SC078306 and appeal. This was dismissed with prejudice because of immunity relating to writings in medical records. In all my cases, that is the main thing and only significant thing where I did not know or realize the law grants immunity or privilege or did not support me. However, there were others issues such as her trying to help me and refusing to look at my information; I believed that was malpractice and fraud. My attempt at appeal was dismissed because I was told I was too

late. I have been confused because the time to appeal is 60 days for a final judgment and 180 days for an order. This case's dismissal and at least some other dismissals in state court have been orders.
(6) v. OPEI union, EC 037889. This was dismissed for lack of jurisdiction. Claims against other defendants were dismissed without prejudice. I believe state law applied because the union stated in a letter that the Collective Bargaining Agreement (CBA) meant union members could not be punished or terminated without cause. If the CBA has to be reviewed, then federal law applies, but the CBA did not have to be reviewed. A trial was scheduled and 12 days before it, the union asked for delay to wait for the federal court appeal in my case there with the union. I agreed to the delay. The union tried summary judgment before that appeal was ruled on and got it.
(7) v. Wright, SC078334 and appeal. This was partly dismissed for privilege in medical records. I believe there was liability for Wright because they did not supervise and train an employee right. The appeals court said I did not say that; I said Wright should have known there was a problem with the employee. On appeal, the appeals court sent back the part about an employee. I dropped that part because I had enough relief by speaking out and mainly because I did not want an individual to have lawyer expenses. In superior court, the judge stated that I had asked Wright for a diagnosis and had gotten it. I did not ask for a diagnosis. I asked for help with being more assertive. The case was about the psychologist's making up defaming and humiliating things about me that she claimed I said. I did not say them.

(8) v. OPEI union, CV 03-8082 DDP, dismissed with prejudice, and appealed to 9th Circuit and United States Supreme Court. In this case, the union representative said she would speak to the union attorneys. I was complaining that I did not get legal advice or a chance to speak with an attorney. I was not saying the union should have provided an attorney to me for court. I thought in any possible arbitration that the union or union representative would be there and maybe a union attorney. The judge ruled that the statute of limitations had passed. The standard is that the statute of limitations starts to run when the plaintiff knew or should have known the union did something wrong. The judge ruled that the statute of limitations began when I knew or should have known the union would not be assisting me. The court said that was at least by when I signed a settlement with Sony. I stated that the union representative had told me they had done all they were required to do. I believed her. She stated that in a court paper. They had filed a grievance with Sony. She told me they had no obligation to take my case to arbitration. I believed her. Before my termination, she had told me that because I went to the EEOC, the union did not have to help me with any issues I went to the EEOC about. I believed her. I argued in court or court papers that the union had lied to trick me into thinking they had done all they were required to do and that the statute of limitations should be tolled. I filed within the six months statute of limitations after I thought she was probably lying. I was not really sure until later in the state case when the union representative showed she had not done the duty of fair representation. She claimed she spoke

with Sony and investigated on her own after my termination. She did not claim she ever spoke with me and went over my evidence or spoke with my witnesses, and I had claimed she had not. It is unbelievable she would listen to Sony's side and not mine. That is an unbelievable breach of duty to fair representation. I am not sure how she could have investigated on her own. At that time, Sony and I were about to have a mediation sponsored by the EEOC to attempt to resolve all issues and not just EEOC related issues. Sony wanted to put the grievance on hold and evidently got the union's okay. It is unlikely that Sony would have discussed anything with the union representative at that time before the mediation. The court did not use the standard of the statue of the limitations begins to run when I knew the union did something wrong. I did not know they did wrong until the state case. Knowing or thinking they would not help me is not the same as knowing they did wrong.

(9) v. United States Government, BC304395, not dismissed. This is a case that I filed in state court about the EEOC and that was transferred to federal court.

(10) v. Sony, CV 03-8782-ABC and appealed. This was partially dismissed without prejudice. It was about Sony's threatening me with a restraining order and threatening prosecution if I violated a restraining order, if they got it, and about harassment and retaliation. I had emailed the CEO to tell him I wanted to be able to document what was said if I spoke to a Sony investigator about money Sony kept that customers had overpaid. That was when the threat and harassment started. How my email could possibly not be okay and free speech, I do

not know. I wrote to the LA DA's office about it. They did not help or state if they thought my email was free speech. The judge ruled that Sony was not a state player, so I could not sue them about free speech. I think that because the LA DA's office was involved, Sony could be sued under Federal Section 1983. The judge mistakenly ruled that retaliation after termination did not violate Title VII. Sony's lawyers claimed. She said Sony would not be allowed to take away my free speech but did not keep her word. I referred to the Freedom of Information Act (FOIA). I now agree that it did not apply because it applies to government agencies. I believe Sony was still supposed to give me information about me that I requested. If a wrong law is referred to and another applies, the judge can use the other law. The appeals court upheld.

(11) v. Sony, SC079972. This case was similar to the case directly above, no. (10), CV 03-8782-ABC. It was transferred and combined with the federal case.

(12) v. United States, CV 04-138 DDP. This was not a new filing. This was the case that was transferred from state court. I think it would have been combined with a similar federal case, but the federal case was dismissed without prejudice before the state case was transferred and after I had filed the state case.

(13) v. Sony, CV 04-1346 ABC. This is not a new filing. This case was transferred from state court to federal court. Once it was in federal court, it was combined with case CV 03-8782-ABC, item no. (10). This case shows up in 3 places: once in state court, once alone in federal court, and once in a combined federal case.

(14) v. Sony, Mellon, CV 04-8748 DDP and appealed. This was partially dismissed without prejudice. Part of this case was that I challenged a settlement made in state court that caused a federal case to be dismissed. I think laws clearly supported me. I pointed to the laws. There were other issues. Part of the case was dismissed because the court ruled the settlement could not be voided. The judge dismissed claims he thought were in a previous case, CV 03-8782-ABC. He was mistaken. Sony's lawyers, in bad faith, tried to trick him into believing that. I stated dates and events that were clearly different from the previous case. The judge dismissed claims against a defendant that was named in the previous case but not in this one. That defendant was not in the second case because it was about different events from the first case. 2 of 3 individual defendants were in both cases. I believe the judge was being honest and not corrupt. Corrupt attorneys, like Sony's and LA County's Glick, will try to use this case as evidence that I re-filed the same case. The appeals court upheld the whole case. I feel I do not get listened to or taken seriously sometimes. I think it is very understandable. The Mellon Bank issue was because I wrote a letter to their CEO about harassment. Mellon spoke to Sony about it. That letter is the only issue at Sony I am not sure was okay for me to do. I want the courts to tell me. Bershad, a supervisor above my immediate supervisor, said I had a good complaint but I did not follow procedures. I do not think I would have written the letter if I had not been under stress at Sony. I wrote it over a year after the incident. I wanted to stand up for myself. Sony said Mellon said I said I did not know what I might

do. I did not say that. That would sound like a threat. I could bring back state claims with Mellon.
(15) v. United States Government, CV 05-1434-DDP. This was dismissed without prejudice because I did not serve correctly in time. I served the United States Attorney's Office but did not put Civil Process Clerk on it. The court said I still had time to serve but dismissed before I could get it done.
(16) v. Sony, ESIS SC085392 and attempted to appeal to the 2nd District and CA Supreme Court and attempted to appeal to the United States Supreme Court. It was dismissed because I did not pay security. I challenged the settlement I had with Sony and listed other wrongs. Some were wrongs that the federal courts had said I could bring back to state court. This is where I was wrongfully put on the unconstitutional 391 vexatious litigant list by Hilberman. The presiding judge of the appeals court said I did not show my case had merit or was not for delay or harassment. I clearly pointed to laws to show my case had merit. I did not delay. Corrupt lawyers, a corrupt and incompetent judge, and corrupt justices all had a part in this. They should all go to prison. Sony, in bad faith, said cases dismissed without prejudice counted as adversely and finally determined. They claimed 8 cases were adverse to me and final. 391 says a pro se who has 5 cases in 7 years adversely and finally determined can be declared a vexatious litigant and put on a list. The 8 cases included 2 that were settled. I argued the settlement was bad for me, and they were agreeing. 3 cases were dismissed with prejudice but mistakes were made by the judges. I discussed that earlier. 2 were dismissed without prejudice. I never asked for a case to be dismissed without prejudice. I clearly have

the right to bring back cases and issues dismissed without prejudice. One case was dismissed but not with prejudice. Sony's lawyers acted in bad faith when they did not tell Hilberman they had tried a similar motion in federal court and were denied that. They withheld evidence. I stated that evidence. Hilberman and Sony should have but did not respect and accept a federal court's ruling. ESIS, Sony's WC insurance company, denied me WC and tried to use 391 on me. In court on 11/18/05, Hilberman was looking at the lawyer for ESIS and told him something about he could file motions. The lawyer did not ask. I believe Hilberman was encouraging, advising, conspiring, and advocating for the lawyer to file a 391 motion and saying the motion would be granted.

(17) v. LA County DA's Office, CA DOJ. BC335920. This was dismissed because I did not post security after Glick abused my constitutional and Civil Rights by having 391 used against me, even though I had not violated any part of it. Judge Stern said he had to use 391 because Hilberman had. I tried to appeal an order of dismissal but was told it was too late. The time to appeal is 60 days for a final judgment and 180 days for an order. This attempt at appeal is similar to case SC078306 in (5). 391 says a motion to use 391 applies only to the moving party. The CA DOJ was a defendant but did not make a similar motion.

(18) v. Robertson, CV 05-5659-ABC and appealed. This was dismissed with prejudice because the court ruled the statute of limitations had passed. During an examination for WC, a psychiatrist diagnosed me with PTSD and other disorders from something that happened when I was five. Before that diagnosis, I

never realized I had these disorders or that the incident caused a lot of problems. I never had a chance to file a case before. I believe this is a case where a change in law could be reasonably argued. I never had a chance for remedy. Statutes of limitations had been changed for cases about sexual abuse and other abuse of children. I did not get equal protection. I have also heard of people being helped, who were hurt a long time ago by the government, like for radiation or disease harm. My incident happened in a county hospital.

(19) v. Sony Pictures, CV 05-9000-DDP. This was dismissed but not with prejudice. There was a federal issue of retaliation. I needed a right to sue letter from the EEOC, which I later got. The court decided not to exercise its right to hear a state claim about defamation.

(20) v. Local 174 union, EC042867. This was dismissed with prejudice. It should not have been. This was about defamation in court papers, the right to clear my name, harassment, threat, and breach of privacy to get a copy of the private settlement I had with Sony. It was retaliation by the union and union representative. The court ruled CA Section 47(b) grants privilege to court papers but did not address the other issues. 47(b) can be ruled to not apply where a constitutional right is involved or violated. I guess I should have filed in federal court.

(21) v. Coddon et al., SC090814. This began the absurd situation I was put into of trying to defend myself from being wrongly declared a vexatious litigant under the unconstitutional 391. I tried to get the state courts to listen to me when they had not before. I had to try to get judges to say other judges and justices made mistakes or did wrong. The case

was dismissed because I was required to post security and did not. I had to request appeal to a corrupt presiding justice, Boren. I did not try. My zealous advocacy was chilled. The Santa Monica Clerk of Court reported to the superior court judge I was on the 391 list.
(23) v. Local 174 Union, CV 07-5100-PA and appealed. I can re-file. The district court dismissed with prejudice. The appeals court reversed the dismissal. I tried to use RICO about what my union had done over the years. CA 47(b) that grants privilege to court papers can be ruled in federal court to not apply if a constitutional right is involved or violated. Surprisingly, Justice Wardlaw was on the appeals panel. She was corrupt in the case I discuss next, no. 24.
(24) v. Hilberman et al. CV 07-7714-ODW. This was an attempt similar to the current case, except the current case includes what has happened since then. I was trying to get off the 391 list and overturn the 83-8 ruling. I wanted 391 ruled unconstitutional and 83-8 ruled partly unconstitutional. I wanted it ruled that the rules were not even used as stated on me. I wanted my cases reinstated and actually litigated. My points were not even addressed by the corrupt and incompetent Judge Otis Wright. I pointed to laws and cases that clearly supported me. The lawyers could be brought to trial for lies and defamation in court papers because Kimes v. Stone (1996), a 9th Circuit ruling, overrode CA privilege in court papers if there were a constitutional issue. Judges can be taken to court under Federal Section 1983 for injunctive relief. As I and the record showed, judges violated my rights to petition, due process, and equal protection. Also, judges can be

taken to court for compensatory damages if they advocate, act in an administrative capacity, lack jurisdiction, advocate, are enforcing, or defame. Federal section 1985 applies. Wright had worked for two of the defendants and should have recused himself. I do not see how anyone can really claim this case was ruled on the merits since my claims were not discussed and not refuted.

4. Appeal of the Last Case v. Hilberman et al. CV 07-7714-ODW. The corrupt appeals panel of Wardlaw, Fisher, and Berzon were absolutely and clearly wrong that the questions were insubstantial. They would not let me appeal. They were claiming questions and proof about violations of the Constitution were insubstantial. I do not believe for a second they believed there were no substantial questions. I find it very hard to believe they had time to review the case to be able to make the claim. My original complaint was over 200 pages. Defendant Glick filed over 3,000 pages of documents. No judge's name was on the dismissal order. My Notice of Appeal was filed on July 23, 2009. I received a time order that was dated July 28, 2009. I received an order dated July 31, 2009 to show cause because someone unbelievably claimed questions in my appeal seemed to be insubstantial. So, supposedly, in 8 days, 6 business days, at most, the panel reviewed 4,000 pages. I did not have a chance to order transcripts. I read that it takes the 9th circuit about 16 months to decide a case. If I could have appealed, I would have had 5 months to write a brief, but I only had 3 weeks, actually 17 days, to file a response to the order. The page limit and word limit to respond were absurd. Luckily, I got 45 days to file a paper because there was a federal party. Otherwise, I

would have gotten 14 days or actually 10. I had to receive mail from across country and then send a response.

5. More about the Appeal. The order by the panel to affirm the district court's decision was an order and was unpublished. I guess that meant they did not want it used as precedent. It suggested they were not sure of the decision and there was not a precedent or they could not find one, if they had looked. It suggested written law did not support them. They did not explain their decision. The defense did not make a motion. A law or ruling says that such a motion will not ordinarily be entertained where an extensive review of the record is required. I do not believe the panel thought reviewing 4,000 pages was less than extensive. Circuit Rule 3-6 says "At any time prior to the completion of briefing..." That must mean briefing must have started. No brief was filed. The appeals panel's decision conflicts with a decision in U.S. v. Hooton and consideration by the full court is necessary to secure and maintain uniformity of the court's decisions. The proceeding involves questions of exceptional importance. It conflicts with the constitutional rights to petition, due process, equal protection, and about punishment. The Hooton court, referring to U.S. v. Alex, said they did not believe the question of whether a defendant was entitled to an evidentiary hearing was so insubstantial as to merit summary disposition. That was one of my questions. I never got an evidentiary hearing about 391 or 83-8. The appeals panel said my petitions for panel rehearing and rehearing en banc were construed as a motion to reconsider en banc the panel's November 16, 2009 order and so construed, the motion for reconsideration en banc is

denied on behalf of the court. That is ludicrous and corrupt. I clearly have the right to petition for a rehearing en banc and for a panel rehearing about any judgment or proceeding. I did not file a motion and nowhere on my petition did it say motion; it said petition. They indicated they wanted to prevent an en banc vote; such a vote was done in the Moloski case about an order or finding similar to the order Wright issued on me. The appeals panel saw something that made them want to do this case quickly. What was it? Was it because it was about judges and justices, because a pro se was trying to litigate and they wanted that pro se out of here? Did they want to make sure I could not appeal before I filed a brief? Did they put aside other cases they should have been working on? I say evidently. Rosen, I guess, and/or maybe Wright changed his words from same to "same or similar claims." They or one was showing evidence of admitting wrongdoing by now saying "similar." Claims can be similar as long as they are not the same claims that were already litigated. They said I must get a court order for further litigation with Rosen and his law firm; I never had a case with them. Wright signed what Rosen wrote. I think Wright made a change about an amount of security.

6. General Discussion. I ask that defendants Hilberman, Boren, Sony lawyers, Glick, the CA Supreme Court, Wardlaw, Fisher, Berzon, and Clinton be declared and ruled vexatious litigants. Since the last case, I sent emails to the LA DA office about incidents. They did not respond. I am fighting the absurd idea that Glick, De Rosa, McGolgan, and Hilberman have claimed: that filing against others is the same as re-filing with Sony. CA Section 533 says

an order, like a 391 order, can be challenged and undone if shown not right and/or not justice and/or applied wrong. Kimes overrules CA privilege if the constitution or Section 1983 is involved. Absolute privilege may be "lost if abused." (Halperin v Salvan, 117 AD2d 544, 548 [1st Dept 1986]). Privilege does not apply to the defendants' court papers because fraud, lying, and false statements do not achieve the object of litigation. Pardi v. Kaiser supports me. The federal court applied the same idea to Americans with Disabilities Act (ADA) claims. I have a mental disability. In Steffes v. Stepan Co., 144 F.3d 1070, 1074 (7th Cir. 1998), there was the same decision about Title VII and ADA claims.

7. General Discussion Part2. The defendants who got me put on the 391 list had not been able to get a case totally dismissed with prejudice on the merits or supposed merits until the last case with Wright and his lies and corruption. Being put on the 391 list should never be done and receiving an 83-8 order should not have been done to me. An 83-8 determination should be by a jury trial. If 391 were constitutional, it should be ruled on by a jury. That is about facts. CA FEHA prohibits retaliation by a person and employer. CA Government Code section 12940 prohibits retaliation by a person and employer. 391 discriminates in ways prohibited by the Civil Rights Act of 1964 and related laws. 391 does not take into account mistakes or lies by judges, lawyers, and defendants. It is arbitrary. It makes a limit of 5 cases and is applied to only some people. Crime and civil wrongs would probably be less if people were encouraged to take differences to court. I have heard that judges or some judges encourage that. I did not get a full and fair opportunity to

litigate any case except the first one that was settled. There was obstruction of justice. What I have been doing is zealous advocacy. Judge Pregerson did not want to chill my zealous advocacy. Rosen stated that most of my issues have been dismissed without prejudice. Rosen claimed I have "attempted to litigate many issues" "against the same parties many times before" and "having lost" "previously." That was absolutely untrue and was bad faith and should be punished. Saying 83-8 use must be narrowly tailored contradicts 391 and means 391 is wrong. There was a whistleblower issue. I told Sony people had evidently overpaid and money was due back to them. I and others were told it was Sony's policy to keep the money unless the company asked for it.

8. General Discussion Part 3. Res judicata and collateral estoppel do not apply in my cases. Sony and Glick had not prevailed on merit in any case with me, yet got 391 used on me. They got 83-8 used on me by the corrupt and incompetent coward Wright and the corrupt and incompetent cowards appeals panel in the last case after having failed very time before in getting cases dismissed on the merits, even though they lied, tricked judges and justices, and had corrupt and/or incompetent and/or gullible judges and justices helping them. Congress and states keep adding laws, and that shows there are a lot of new ideas to consider. I did not get the 7th Amendment right about a jury trial. Only frivolous cases are not allowed under the Constitution. No judge or justice, except Wright, has claimed my cases were frivolous.

9. General Discussion Part 4. Rooker-Feldman does not apply to a constitutional challenge. It does not apply to a claim a state statute is

unconstitutional and was not applied as written. If a plaintiff asserts as a legal wrong, an allegedly illegal act or omission by an adverse party, Rooker-Feldman does not apply. That is in Wolfe v. Strankman. The defendant judges and justices involved with the 391 issue were advocating, administrating, enforcing, defaming, and lacked jurisdiction. Justice Boren was an administrative judge, and Justice George was the administrator of the Judicial Council. Judge Lefkowitz was an administrative judge. They do not have judicial immunity. Putting me on the 391 list and upholding it and the 83-8 order were enforcing. No crime is a normal part or any part of judicial duty and is not protected by immunity and is not part of jurisdiction. The 11th Amendment does not apply if a constitutional violation is at issue. A violation of the 14th Amendment is an exception to the 11th Amendment. There should be a place to go if federal court will not give a full and fair opportunity to bring a case, like Title IX and state court.

10. General Discussion Part 5. 391 is unconstitutional. I found many of the ideas in this paragraph from an article. 391 violates the 14th Amendment right to equal protection. It does not even pass the unconstitutional ideas courts use to determine equal protection, such as rational basis or strict scrutiny. Having levels of scrutiny means some cases do not have to be looked at, scrutinized, as closely as others. It violates the idea of equal protection and is not due process. CA Unruh agrees about equality. Unless defined, statutory terms are generally interpreted in accordance with their ordinary meaning. "Any person" in the 14th Amendment means just that. The 14th Amendment means there is no rational basis or any basis to treat

people differently under the law. 391 is overbroad. It violates the 5th Amendment right to due process. It is a deprivation of a right and taking of property. It violates the 1st Amendment rights to petition and free speech. It is irrational that a lawyer is less likely to file a groundless case. Justice should not be for sale. 391 is censorship. It is prior restraint. It circumvents criminal procedural protections of barratry. It violates the 8th Amendment. The punishment of a lifetime loss of a fundamental constitutional right is not proportionate to losing 5 cases in 7 years. One can be punished for no wrongdoing. 391 holds pro se filings to standards of attorneys, and that violates due process. 391 does not describe how to pre-file or seek permission to file. It is a Bill of Attainder. 391 tries to circumvent privilege in court papers by saying it does not matter what was said but only that one lost.
It chills 1st Amendment rights and zealous advocacy. It punishes people. It violates the constitutional idea of the punishment fitting the wrong. It violates the 8th Amendment. Disobedience of a pre-file order can be punished. The punishment for a pro se is not the same or equal for others, so it is unconstitutional. It violates the 5th Amendment. States can set the way they permit litigation, but the way must be constitutional. If parties cannot settle disputes, courts are usually the only forum empowered to settle disputes. In Taliaferro v. Hoogs (1965), a case cited to defend 391, it relies on Beyerbach v. Juno Oil Co. (1954), which relies on Cohen v. Beneficial Loan Corp. (1949). Boddie v. Connecticut (1971) strikes down a fee for indigents and talks about cutting of access to the courts entirely and not in a narrow context like in Cohen. Deprivation of a temporary

right is unconstitutional. Pre-filing and security do that. That is not due process. Federal rules say a pro se paper should be thought of in a broad sense. In Chambers v. B & O (1907), the court said the right to sue and defend is the alternative to force and lies at the foundation of orderly government. Blameworthy does not matter in section 391. In Bell v. Burson (1971), blameworthiness mattered about requiring security for uninsured motorists in an accident. Taylor v. Bell (Cal.App.3d 1971) says all litigants should be treated equally, whether they have an attorney or not. Even the level of scrutiny should be high; levels of scrutiny are unconstitutional. There is a loss of a fundamental right. The label vexatious is meant to discredit and is a stigma. Poorness or wealth has been called a suspect class in Douglas v. California (1963). The state does not seem to think it is a state interest to stop frivolous lawsuits filed by lawyers. That is ridiculous. 391 does not require that a case be frivolous for 391to be used. No statute or code of ethics prevents a lawyer from losing five cases in seven years or being punished for a frivolous lawsuit without bad faith. If a pro se does wrong, there are other ways of punishing them, and all people, rather than using 391, so 391 would not be needed, even if it were constitutional. The public is constantly criticizing lawyers for bringing unwarranted lawsuits. The public is not saying pro se's are the problem. Lawyers are even encouraged or required to mislead and commit fraud for their clients. Winning a case does not mean one was not vexatious. Litigiousness is not a reason for punishment. The merit of pro se cases is not considered under 391. The statute promotes a monopoly for lawyers. There is no guarantee a judge

will allow a case with merit to be filed. Also, there is no guarantee a judge will require security for a good reason. Clogging the courts is not wrong by itself. Lawyers or pro se's can drag out cases for years. In Bartholomew v. Bartholomew (1942) and Stevens v. Frick (1966), the courts ruled that groundless or unmeritorious litigation was okay. Any good faith case should be allowed to be decided. 391e does not tell how one must pre-file. A pro se is punished without a trial under 391. The court in Crain v. City of Mountain Home Ark. (1979) said that legislation that deprives a named or described person or group is a bill of attainder whether it is retributive, punishing, preventative, or discouraging future conduct. The 1990 amendments to 391 were apparently aimed at or because of one individual. The law is telling the judiciary how to do its job and who can be litigants and violates the separation of powers. Government blacklists possess almost every quality of bills of attainder is in Joint Anti-Fascist Refugee Committee v. McGrath (1951). The blacklisting is like taking of property rights by the government, which is a cause of action. In Board of Regents v. Roth (1971), the court said when the government is involved, a person has the right to clear his or her name.

11. General Discussion Part 6. More from an article is in this paragraph. Justice is not supposed to be for sale. 391 is vague because if one pre-files, there is no time set for the presiding judge to allow a filing. The statute of limitations could pass after the pre-filing request is made but before a presiding judge allows actual filing. Having to show evidence and explain it is unfair to a pro se or anyone at an evidentiary hearing. The person has to show his or

her strategy. That is unfair, unequal treatment, and not due process. This stuff is saying I am un-American. That is something I will fight until I get justice or die. I found information from other articles. A statute is overbroad if it significantly prohibits conduct that is protected by the First Amendment as well as conduct that is not." (U.S. v. Williams, 553 U.S. 285, 292 (2008). In 2011, 391was amended (adding 391.8) to provide a procedure for a blacklisted person to have his name removed from the Judicial Council's blacklist "upon a showing of a material change in the facts upon which the order was granted". That shows the legislature knew the law was wrong, at least in some way. I am using 391.8.

12. General Discussion Part 7. CA Section 1708 says of abstaining from injury to a person or property of another or infringing upon any of his or her rights. CA Government Code section 945 says a public entity can sue and be sued. CA defendant judges and justices violated the CA Code of Judicial Ethics. They broke the CA oath to defend the United States and CA Constitutions. The defendant federal judge and justices violated their federal oath. Res judicata does not apply to any previous case in state court that was dismissed because one did not put up security. 391.2 states "No determination made by the court in determining or ruling upon the motion shall be or be deemed to be a determination of any issue in the litigation or of the merits thereof." 391 explicitly excludes merit as a factor. The county, state, and courts let me go through all of this because I did my duty and requirement of jury duty. The last issue and what got me fired was that I went on a jury duty and was told it was too long and not approved by

Sony. SLAPP law supports me. I have passed all the tests in Safir v. United States Lines, Inc. All of this is causing me a lot of mental damage and stress. Stress kills. They are attempting murder. That is a cause of action, and I am asserting it. I will probably die sooner than normal because of this stress. Then it would be murder. The Geneva Convention prohibits outrages upon a person's dignity in Common Article 3, 1949. The United Nations Conference against torture 1984 bans intimidating and coercing treatment. The United States Supreme Court has referred to the Geneva Convention. I have been mentally tortured by the defendants. That leads to a physical problem, too. I was harassed by state employees and county employees. I have the right to try to add a law or have a law repealed or change a law. I am trying that now. Laws have already supported me.

13. General Discussion Part 8. 391 discriminates. It affects people who cannot afford an attorney. Under 391, judges do not consider the merits, actions, mistakes, tricks, or lies of the other side. It does not matter if the judge made mistakes or was dishonest. I have read about cases where the judge approved a settlement. I wish I had gotten that chance in my two settled cases with Sony. I am not saying a judge did wrong. About 4 years after I was terminated, Sony put my supervisor, Russo, on probation, threatened her with termination, and put her on a Development Plan. Sometime within about a year, she was gone from Sony.

14. General Discussion Part 9. I proved the settlement can be voided. CA 1549-50, 1565-78, 1580-8, 1667-68, 1670.5, 1688-89, and 3525.1 support me. In the free speech case with Sony, 1983 applied to

Sony because the LA DA's office was involved and Sony's lawyers were officers of the court. Winart and CA 43support me. I did not get declaratory relief about if my emails were free speech. I want sanctions and to have Sony and Sony's lawyers and ex-lawyers and De Rosa, McGolgan, Clinton, their law firms, Glick, and the DA's Office sanctioned, disbarred or disbarment proceedings started or recommended, and declared vexatious litigants under 83-8. I also want it declared they violated 391, but I do not want it used on them because I could not in good conscience ask that. I want the law firms dissolved. I want to clear my name as Regents said can be done. The EEOC and courts were involved. Sony lied in court papers; I want to clear my name about that. They lied to Labor Relations, evidently under penalty of perjury.

15. Law Enforcement. I only want injunctive and declaratory relief from the LAPD to get them to investigate and take care of my complaints and to arrest the criminal defendants in this case that are in their jurisdiction and to tell me what to do to protect and defend myself. I am glad they have not tried 391 on me. The defendant law enforcement were supposed to stop the wrongs others have done to me and others. I did not get the due process of talking with someone about all my problems. My sources of aid were cut off and the government would not help me. That is in the Estelle v. Gamble and Youngberg v. Romeo that the court used in the DeShaney case. I had a deprivation of liberty because there was not another option than to go to law enforcement about crimes. I had a deprivation of liberty because there was no other option other than to go to the government for investigation of federal

and state crimes. The DeShaney case was about due process and not equal protection. In the Botello case, the court stated investigators only have qualified immunity. In Roe v. City and County of San Francisco, the court said prosecutors do not have absolute immunity for investigative matters. The court said immunity did not prevent injunctive relief. That should be true with doctors' papers. The government and law enforcement agencies are not immune under RICO. A federal court ruled the Los Angeles Police Department could be liable under RICO in 2000 in Guerrero v. LAPD. Pedrina v. Chun is also about RICO applying to law enforcement. I complained to the LAPD about problems with people. I complained to the CCPD about Sony. Some people get their complaints addressed or filed. I did not get equal protection of that or the LAPD "broken window" policy. I did not get due process. 1983 and CA 43 support.

16. Law Enforcement CCPD. I might accept declaratory and injunctive relief to get them to investigate my complaints and arrest the Sony wrongdoers. CCPD said Monell says one incident is not sufficient; they refused twice. CCPD did not respond to a November 2008 letter asking about harassment cases. That violated FOIA. I showed that the four elements the CCPD's lawyers say are necessary for a Section 1983 claim. (1) I possessed constitutional rights of which I was deprived. I had the rights of equal protection and due process. (2) The City of Culver turned my requests down twice. That is now three times after my November 2008 letter. That is a custom, practice or policy. It was a pattern. They helped Sony many times. They would not help me. (3) The City's custom, practice or policy

"amounts to deliberate indifference" to my constitutional rights. Inaction is about as indifferent as one can get. The inaction was deliberate because they knew about my complaints from my three attempts at contact. (4) The custom, practice or policy was "the moving force behind the constitutional violation." Their custom, policy or practice and pattern of not investigating my complaints were why I did not get my constitutional rights. They helped Sony many times so as to demonstrate a "widespread practice" "so permanent and well-settled to constitute a 'custom or usage' with the force of law."

17. Schmid and Voiles. De Rosa and McColgan of Schmid and Voiles defamed me when they stated in their motion that my cases did not have merit. Their client, Dr. Seltzer, did not have immunity for medical malpractice, fraud, discrimination, and refusal to look at my evidence. She offered advice and tried to help me. She sent a copy of a report, that I did not ask for, and stated anyone who showed it to the patient took responsibility for the patient's subsequent actions. She stated patients may misunderstand and distort information and that may interfere with therapy. It sounds like she considered me her patient and her my doctor. There was an issue of if she was my doctor. She said for suicidal and homicidal patients, the results of disclosure can be irreversible. I had thoughts of suicide. She accepted responsibility and liability about the report. She, in effect, waived any immunity. She must have thought I would rely on the report. I pretty much had to for WC. I sent a check to an attorney at Schmid and Voiles, and it was never cashed, and I never got it back. With immunity, a violation of the 14th

Amendment, there needs to be some way to do something in law enforcement or court to provide equal protection, like declaratory and injunctive relief. These lawyers stated I can use CA Civil Procedure Section 553 to stop 391 from being used on me. That was good. 553 use was in the Luckett case. They referred to Luckett that said a genuinely meritorious lawsuit will not be subject to an order to post security and will have no problem obtaining a presiding judge's permission. That has not happened with me. The Luckett court showed they believed a lifetime on the list was too severe. The courts would not allow me to use 533 and would not even address my points. The only way someone on the blacklist can be required to post security is if the case has merit. Judge Lefkowitz ordered me to post security, so that is supposed to mean my case had merit but she thought I would lose anyway. Judge Stern said he thought I brought my case in good faith about LA DA. He said good luck to me. I think he was trying to do the right thing. Schmid and Voiles lied when they said the law was lawfully imposed after a determination that my lawsuits were unmeritorious. An unconstitutional law cannot be imposed lawfully. Imposing an unconstitutional law that the person had not even violated is unconstitutional twice. One cannot determine something is true that is not true.

18. Judges and Justices. There is not judicial immunity for advocating, administration duties, enforcing, actions with lack of jurisdiction, and defaming. I was discriminated against on the basis of medical condition, disability, and serving on jury duty in state court. There is a special relationship with the federal and state governments. The federal government is supposed to prevent discrimination;

the EEOC was set up for that. The courts have caused me psychological damage and other problems. Sony and other defendants have. A county hospital helped cause my PTSD, anxiety disorder, and depression. Lawyers are officers of the court and part of government. Grant v. Johnson (9th Circuit 1994) and Wolfe v. Strankman (9th Circuit 2004) support me about judicial immunity and exceptions. All the defendant judges and justices were not acting in good behavior. The United States Constitution says judges can be judges only during good behavior. Under federal tort law, judges are not supposed to have immunity for acts that violate litigants' civil rights. My civil rights were violated. My rights to petition, due process, and equal protection were violated. My 8th Amendment right about punishment was violated. Boren and Lefkowitz were not ruling between two parties. They were doing administrative work to see if my case could be filed or go forward. Lefkowitz, who behaved badly and without dignity by acting mad and walking off and saying she did not wish to discuss it anymore, was seeing if my case could go forward after it was filed. The CA Supreme Court would not hear my case. They okayed an unconstitutional law being used I had not violated; they need to be stopped.

19. Judges and Justices Part 2. They talked about expectations in Imbler v. Pachtma. I did not expect the judges to use 391 against me, get my cases wrong, not respond to my points, or not discuss their reasons to dismiss issues or cases. I did not expect wrongdoing. I expected to get a fair chance at litigation. In Pulliam v. Allen (1984), the defendant was required to post bail or bond when he had not committed an offense that was punishable by jail.

There was no judicial immunity there. Similarly, I was required to post security or bond when I was put on the 391 list, even though I had not done any of the things to be put on the list and even though my cases had merit. The US Supreme Court said judicial immunity does not protect state court judges from prospective injunctive relief in civil rights actions. In New Alaska Development Corp. v. Guetschow (9th Cir. 1988), there was not absolute immunity for slander. In Morrison v. Lipscomb (6th Cir. 1989), the court said a civil contempt proceeding may subject a judge to liability. Boren falsely accused me of not following pre-filing orders, which is punishable as contempt. Using and upholding 391 and the 83-8 were enforcing. A judge or justice, who uses a law not as written, has an agenda. Judges are not supposed to have agendas. A judge or justice, who uses 391 or 83-8, is advocating. A judge who uses those laws against a person who has not violated them is especially advocating and especially has an agenda. Not allowing re-filing of cases dismissed without prejudice is advocating, corrupt, and someone with an agenda. A CA court ruled that a case dismissed without prejudice by a pro se defendant can count as one of the 5 cases in 7 years that can be used under 391. That is not in the law because the cases must be finally determined; that is legislating from the bench. The judge had a chance under 391 to say something is a frivolous tactic and use 391 for one tactic. Sony used that ruling against me, but I had not asked for a case to be dismissed without prejudice. The corrupt and incompetent Hilberman ruled for Sony.

20. Hope Mills. The town of Hope Mills corruptly and in bad faith used my case v. Hilberman et al. CV 07-7714-ODW . They discriminated and retaliated

against me in employment selection. They defamed me to the EEOC. Doe(s) who did this are defendants.

21. Union. My issues with them were in other cases were discussed earlier. I have the right to re-file the last case. The complaint in that case has a lot more detail.

22. Remedy. In addition to what I have already mentioned, I would like compensation for lost Social Security, pension, and 401K funds for retirement. I would like reimbursement by the defendants to the federal government and Social Security Administration for disability payments to me. I want compensation for my payments for medical and psychological treatment and lost employment compensation since I left Sony and while at Sony. Sony and the other defendants should have to reimburse Social Security for the benefits paid to me and pay me for benefits from August 2007 to January 2009. I would like declaratory relief about how to get these defendants arrested for their crimes and how to do citizen's arrest. There was intentional infliction of emotional distress (IIED) and negligent infliction of emotional distress (NIED). I will fight these defendants involved with 391 until they lose a big lawsuit and/or go to prison. If the courts and law enforcement will not help me, I will try citizen's arrest. This case will be my last attempt at resolving this in civil court, unless the case is dismissed without prejudice so that I can go to another court. If that does not happen, I will try citizen's arrest. If any of them try or lead me to believe they are trying to kill me or cause me great harm, then I have the right to defend myself up to and including killing them. I will exercise that right to the best of my ability. If anyone tries to stop me, they will be obstructing

justice. I will try citizen's arrest on them. I would like compensatory, emotional, punitive, injunctive, and declaratory relief. I want amounts of $1 million from each individual, human defendant. I want only injunctive relief from LAPD and CCPD to get them to help me and arrest the corrupt defendants in this case that are in their jurisdiction. I am not sure about Mellon. I want the law firms dissolved, except maybe Schmid and Voiles. I want all the lawyers disbarred. I want $10 million from Sony, each of Sony's law firms, and the LA DA's office, because they tried to use 391 and 83-8 and got it. I want $1 million from Hope Mills for advocating 391, trying to use it, and defaming me about it. I want $500,000 from Schmid and Voiles for advocating 391and its use on me and for defaming me. I want $1 million from Kim Russo. I want them to pay to get me back to normal psychological health and then hire me as a Financial Analyst or above with advancement opportunities or find me a position like that. I should have been into a manager or director position by now, if I had not been fired; I want that. I want it declared that those who used and advocated 391 and 83-8 against me are traitors to the United States and have aided and abetted enemies of the United States. I request a jury trial.
Glenn Henderson

Exhibit 2
Glenn Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314
910-867-4931

Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:13-CV-635-FL
Reply to CA and CADOJ's
Motion to Dismiss

Plaintiffs
USDOJ, Glenn Henderson
-v-
Boren at al.
DEFENDANTS

I do not understand how the NC Department of Justice, the NC Attorney General, and an NC Special Deputy Attorney General can represent the state of CA and the CA Department of Justice. They should be representing me. CA should be putting most, but not all, of the defendants in this case in prison. What NC did is unbelievable. It is a conflict of interest. It is conspiracy between CA, including the CADOJ, and NC, including the NCDOJ, to take away my constitutional and other legal rights. So, now the state of NC wants to join in and come after me. Now, I will be fighting them until I get justice or until the day I die. They too are going to have to kill me before I stop fighting this. I will not give up my constitutional rights and other legal rights unless they kill me. NC is also blacklisting me from employment. It is business and government employers all over NC. The NC Vocational Rehab would not adequately help me. They stopped contacting me. NC has not done anything about a

hospital that would not help me with my mental condition and would not help me with a doctor who told me I might as well not come back if I did not take my medication that caused bad side effects. I have evidence that doctor tried to keep me from getting talk therapy.

I actually was not naming Sandra Barrientos as a defendant. I should have made it clear. It looks like she is a defendant in my complaint. I left her off the complaint caption on purpose. (I left Hilberman off by mistake.) I only mailed a copy of the complaint to her in her capacity as a representative and counsel for CA government agencies and employees because she was a contact for them in my last case.

I do not see how the defendants can correctly claim I did not serve them properly. First, I served them by Certified Mail. They wrote me and said that was not proper service. So, I served them again by mail, and that was according to instructions at their website.

I named the state of CA and the CADOJ because they would not help me with my problems with Sony, my union, and other defendants. They have helped others. I also named them because of the unconstitutional CA Section 391 and because it was used on me, when I had not even violated it, by corrupt and incompetent CA judges and justices and by lawyers CA allows to practice law in CA. I want to get 391 declared unconstitutional and get it off the books. No one should have to pay for a chance in court. 391 can require monetary payment from a pro se, and except for when first put on the 391 blacklist, unbelievably only if a case is ruled to have merit.

The Eleventh Amendment does not overrule the rest of the United States Constitution and rights

given by the rest of the Constitution. The rest of the Constitution overrules the Eleventh Amendment.

CA and the CADOJ have availed themselves of the laws of NC as shown by their getting NC and the NCDOJ to help them in this case and to help them fight a resident and citizen of NC, who was wronged by CA in both civil and criminal ways. A person in NC or anywhere can file a complaint with the state of CA or the CADOJ. For example, a person buying a product in CA can file a consumer complaint with the CADOJ.

I say because of the causes of action against CA judges, justices, and other CA employees, CA is an appropriate defendant. I understand the question of geographical jurisdiction but do not understand that CA cannot be sued at all. They are liable for their employees' wrongs, like Sony is liable for its employees' wrongs. CA did not supervise, train, and hire employees properly. It seems obvious to me that CA could and should be a defendant. Maybe, I should have stated more what I thought was obvious. I have easily stated what is considered a claim under Federal Section 1983. My 1st, 5th, 8th, and 14th Amendment rights were taken away by CA judges and justices and by lawyers who were officers of CA courts. State employees are exactly why there is Section 1983. CA Government Code Section 945 states: A public entity may sue and be sued.

The defendants in this case, including CA, are the only reason I moved to NC. I never would have if they had not caused me to. They forced me out of CA. The defendants knew they did it because it was in the last case. I corresponded with them while I was in NC, so they knew I was in NC. I have lost enjoyment of life. I had a job I liked in CA.

Fayetteville, Cumberland County, and NC are trying to blacklist me from employment and force me out of here, and the NC government is now trying to help CA take away my constitutional and other rights.

I hope the defendants Motion to Dismiss will not be granted.

Sincerely,

Glenn Henderson

Exhibit 3

Glenn Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314
910-867-4931
Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:13-CV-635-FL
Reply to Sony, Russo, Rosen, Et al.'s Motion to Dismiss And Brief in Support

Plaintiffs
USDOJ, Glenn Henderson
-v-
Boren at al.
DEFENDANTS

In their Motion to Dismiss, they stated that this was the 24th case I filed against these defendants. They said "as this Court will see." I already discussed my cases in my complaint. All of my cases did not involve these defendants. I mentioned the 24 past

cases in my complaint, and I did not file 2. I think this is actually case 25. I filed 23. Only 11, including this current case, involved any of these defendants. The 11 involved Sony as a defendant. Some involved Russo. This is the first case with Rosen, Carrasco, and McColgan as defendants. The defendants did not get their facts right. It is like they or their lawyer McKenzie did not read the complaint or do research required by FRCP 11. They listed Trailer Park and Rosen & Saba LLP as defendants, but they are not defendants. I wrote McKenzie a letter about Trailer Park. He chose to ignore it and drag Trailer Park into this. Trailer Park has been defrauded by McKenzie. I served Russo and used her work address at Trailer Park. That is the only address I could find. I put Kim Russo on the first line and Trailer Park, Inc on the second, and then the rest of the address on two more lines. How she keeps getting jobs is hard to believe. I guess she is good at misleading and hiding her true self, at least in an interview. I wonder if Trailer Park has had trouble with her. I hope they learned or will learn she cannot be trusted.

It is unbelievable that the defendants complain about the financial and emotional cost of responding, after what they have done to me. As mean and hateful as they were in their papers and because they keep doing wrongs again and again, they do not sound like they have emotional or any costs. They have destroyed my mental, emotional, financial, and everyday life. They caused these lawsuits. Their malicious and bad faith wrongs have caused them. There would be no cases if they had done no wrong. It started with Russo and the rest decided to join in. Russo was a well-known liar and harasser at Sony. I have evidence that 4 years after I was terminated,

Russo was written up, put on a Development Plan and probation, and told if she did not change, she would be out the door. Sometime, the next year, she was gone. I do not know if she was fired, but evidently, she was at best, forced out. Unfortunately for them, Trailer Park has to deal with her now. If anyone wants to see pure evil, they just need to look in Russo's eyes. She has no conscience. She is a psychopath and a sociopath. She has gotten others to join her. Sony got rid of her but do not admit or try to correct the harm she did and got Sony to do. In the case that Hilberman put me on the 391 list, Russo was a defendant, but her part was dismissed without prejudice. I do not know why Russo has to go through life lying and trying to harm others and make others look bad. She must really think she is incompetent and hate herself if she has to lie all the time.

The defendants complained and alleged I made improper threats. I did not. They did not say illegal. I made proper threats and threats that needed to be made. I have the right to place them under citizen's arrest in CA. I have read that NC has a citizen's detainment law but not a citizen's arrest law. I have the right to defend myself in a way appropriate for the situation. Everybody has those rights. I wanted them to be prepared if I tried citizen's arrest. I did not want to just show up and they not know why. I thought it would be better and probably safer for everyone, if they were prepared. It might be less safe for me. They have no complaint about my cases and threats. They have dirty hands. They deserve to be arrested and go to prison. I have tried to get the LAPD, Culver City PD, LA DA's office, the FBI, USDOJ, and CADOJ to do it. They did not. In this case, the Culver City PD did not state that Sony did

no wrong. They chose to let Sony get away with it and also claimed they didn't have to do anything. McKenzie and his law firm Sands Anderson have joined in and have made new causes of action for themselves and their clients. These defendants in this paper and whole case have terrorized me. When, I was fired at Sony, I was terrified. I was afraid I would become homeless and die on the streets. I was so terrified that I went to the emergency room at a hospital to get help. I got some medication. I started seeing a psychologist and went to group therapy. I am the same way now. I have severe anxiety, fear, terror, depression, and anger. The anger is the worse. They are lucky I have not gotten a gun and shot all of them I could. I do not want to do that. I have promised myself that if I ever get to the point I want to shoot anyone, then I will go to a hospital psychiatric unit or emergency room for help and to check in. If the defendants have done this or will do this to someone, they will be lucky if no one gets a gun and shoots them. I have had trouble finding a job. Sometimes, I have applied for jobs I did not want and could not psychologically do because I wanted someone to offer me a job. I have had no offers for a finance or accounting position, after several hundred attempts. My disability keeps me from being able to work. I am terrified every day in all I do. I am terrified of my emotions. I am terrified of trying court; I made myself do it. I am terrified about employers not hiring me or offering me jobs. I have no doubt that fighting these defendants is the right thing to do. The defendants should be worried and have emotional worry about courts, law enforcement, and the bar association because they have committed crimes and civil wrongs. They deserve to lose a big

lawsuit and deserve to go to prison. Most people do not do what these defendants have done for fear of a lawsuit and prison and also because most people have consciences. The defendants have terrorized me and aided and comforted enemies of the United States. That is treason. The defendants have trampled all over the Constitution and the United States.

In their Brief in Support of Motion to Dismiss, they got it wrong about the number of cases but were only off by 1. I think they are still claiming I filed 2 cases I did not file but were transferred cases. It is not true that I am inconsistent about the legal basis. I have not changed my mind about any legal basis.

On page 2, they claimed I violated a court order not to file a case against Sony. That is not true. It applied only to the Federal Central District Court in CA, and I think it was only for the Eastern part. The order was issued allegedly based on a local rule, 83-8. I had not violated it, and part of it was unconstitutional because it referred to CA 391. 83-8 cases are supposed to be patently without merit. My cases were not close to that. None were. The order does not and cannot apply to any state court or in federal court in any other district in the United States. The order was illegal. I have not abused the process. They have. Their claiming I did is defaming, a lie, another cause of action, and a huge violation of FRCP 11 and should be punished. McKenzie should be sanctioned and disbarred. The defendants should be sanctioned.

I offered facts about the last case being ruled on and about correspondence between me and the defendants or their lawyers while I was in NC. My mental conditions have gotten worse and worse while

I have been in NC. I came to NC to work on my mental conditions and because I had a place to stay. I had to leave my last job in CA because I could not psychologically continue the way I was.

They claimed that "for reasons unexplained," I want $1,000,000 from Kim Russo. Russo and the other defendants know. She started all this. She was my supervisor at Sony. On page 2 of my complaint, I stated I was wrongfully and maliciously punished and terminated by Sony. I should have said by Sony and Russo. She lied, defamed, and harassed me, and Sony finally got rid of her. She did those things to others, but I am the only regular employee I know of that she got fired. They can say I did not explain well in my complaint what Russo's part was. She knows exactly why I named her as a defendant and asked for compensation. Sony knows why I named her. I wonder if McKenzie asked Russo or Sony or if he should have. Without Russo, there would never have been a case. In my complaint, I focused mainly on the last case. I should have made it clear why Russo was in this current case.

They talked about res judicata. They stated the Fourth Circuit's 3 part test. None of the cases, when CA 391 was used, were on the merits. In fact, the law in 391.2 says a 391 ruling is not to be deemed to be a determination of any issue in the litigation or of the merits thereof. I was not allowed to appeal the last case. That should mean it was not final. Judge Wright tried to pretend he made a ruling on the merits, but he did no such thing. This case is about the last case and a RICO pattern in all cases, so it is not all the same causes of action. The defendants are not all the same.

I did not say this was the 24th lawsuit arising

from my termination at Sony. I did not file that many and two were not about my termination at Sony: v. Dr. Robertson and v. Wright Institute. Res judicata and dismissal with prejudice do not apply if cases were not on the merits and there was not a full and fair attempt at litigation. A 391 ruling is not about the merits. I never got a full and fair attempt at litigation. I discussed the cases that were not dismissed with prejudice and that were and why ones were.

In the footnote on page 4, there are a lot of inaccuracies. It is misleading to say my case v. EEOC at al. 03-CV-3208-DDP was resolved because I just needed to change the defendant name from EEOC to US or US Govt. and do administrative remedy. I did that and re-filed. Case v. Sony 03-CV-08782-DDP was not fully resolved. Case v. Seltzer, CV 03-5431-RSWL was not fully resolved because it was not dismissed with prejudice. Case v. United States, CV 04-138 DDP was not resolved because it was transferred from state court. I do not think it was dismissed with prejudice. Case v. Sony, CV 04-1346 ABC was not a new filing and was transferred from state court and combined with a case that was not fully resolved. Case v. Sony CV 04-8748 DDP was partly dismissed without prejudice. Case v. United States Government CV 05-1434-DDP was dismissed without prejudice. Case v. Sony Pictures CV 05-9000-DDP was dismissed but not with prejudice. Case v. Local 174 Union CV 07-5100-PA was dismissed without prejudice.

I did not get a full attempt at litigation in the last case v Hilberman et al. 07-CV-07714-ODW. Res judicata does not apply. My Constitutional rights were violated and that overrules any civil procedure

rule or any law. I did not get a chance to appeal. The appeals panel did not really affirm. They refused to let me appeal and to appeal en banc.

I did not flagrantly fail to obtain judicial leave to litigate this matter. I guess that meant I did not ask Federal Central District in CA. I did not need to.

I served Sony under NC state rules. I filed the case in NC state court and served before the case was transferred to federal court.

General jurisdiction applies because the defendants had contact with me in NC in the last case and now this one. They can use cases in NC for use in a CA 391 or Federal 83-8 ruling. They have harmed me in many ways while I have been in NC, including financially, in career and job related ways, in my relationships, and especially psychologically. I did allege a single fact and more supporting a continuous and systematic contact. Specific jurisdiction would be constitutionally reasonable because this case is mainly or a lot about Constitutional rights. NC has jurisdiction because NC law allows for a case from any US court to be challenged. NC courts have the right to protect NC residents from residents of other states. Sony does business in NC all the time. They show their movies and TV shows in NC and sell their electronic products in NC.

There was more than a miniscule connection to Schmid & Voiles and McColgan. They worked to deny me workers' compensation benefits. Their client, Dr. Seltzer, defamed me and did not do her job as a doctor and psychiatrist. She claimed I did not take responsibility for the consequences of my actions. That was absolutely untrue. I wondered why she said I did not take responsibility for the

"consequences" of my actions and not for my actions. Russo lied, defamed me, and harassed me over and over. Seltzer said it must be my communication skills that kept me from getting promoted. It was not. It was because of wrongful behavior like Russo's or no opportunities. Seltzer could not know if there were advancement opportunities at other employers. Communication is a protected part of the Americans with Disabilities Act (ADA).

On page 9, they talked about venue and 28 USC§ 1391. There is diversity of citizenship, except Hope Mills is in NC. A substantial part of the events took place in NC because I was in NC when they last case was done. The defendants sent me information, and I sent them information. NC was where I was when the defendants lied and in bad faith got me put on the blacklist of rule 83-8. They got me put on the CA 391 blacklist while I was in CA. Getting me on the blacklists when I had not even violated the unconstitutional laws were a pattern of RICO activity. A blacklist has all of the characteristics of a bill of attainder. Bills of attainder are prohibited by the Constitution. In part 3 of the 1391statute, a defendant, Hope Mills, is in the NC Federal district. I could probably not bring an action in the Federal Central District of CA because of the ban I was wrongly given. The defendants want to say I, as a resident of NC, have to follow rules, laws, or orders that apply only in CA, like 83-8, but they do not have to follow rules and laws that apply only in NC.

I served all defendants by NC state court rules because I filed my complaint originally in NC state court. I served by Certified Mail. I have the Certified Mail return receipts to show they were served. It is not true that none of the defendants, individual or

corporate, received a summons directed to the named individual or entity. They all did. The summons shows it and I have Certified Mail return receipts to show it. Their copy of the summons in their Motion to Dismiss shows it. Their claim is ridiculous and violates FRCP 11.

I have easily shown that the defendants are liable for the misconduct. Their copy of the order in the last case shows the wrong done to me. The corrupt and incompetent Judge Wright signed what the defendants gave him to sign. He marked out the part about paying security; I wonder why he decided to do the right thing there. A review of the list of cases in the order and in my complaint show my cases were in no way vexatious and in no way remotely patently without merit. They all had merit. Until Wright, my cases show that neither Sony nor LA County, who got 391and 83-8 used on me, won any case on the merits. The only cases with them, before the last case, that were dismissed with prejudice were when I would not pay $10,000 in security. Judge Wright said I could not sue Rosen Saba, LLP and Rosen when I had not ever sued them. I did not try to relitigate numerous times. That is a lie, as my cases show. Unbelievably, on page 16 of the order, it stated "the Court has typically dismissed those undefended claims without prejudice." They made the untrue statement that the claims were undefended, but the unbelievable part is they stated and admitted my claims were typically dismissed without prejudice. I easily believe they made an untrue statement and lied. Then, unbelievably, they stated that given the opportunity to amend, I "refiled a nearly identical, baseless complaint." They lied and said I refiled a baseless complaint; that is a lie, but again, I can

easily believe they said it. They only spoke of the opportunity to amend and not about the opportunity to refile a case; their omission about refiling is misleading. They violated FRCP 11 about telling the truth. The part where they said the refiled complaint was "nearly identical" evidently refers to an amended complaint. I did not refile an amended complaint that way. It would be or is an absurd complaint if it were true and if they were talking about refiling a new case. When refiling a case, the case should be nearly identical or identical. The wrongs were the same. Also, new wrongs were done that were in my cases. I rarely amended a complaint. I amended two times in the last case because the Court wanted me to because my case was long and needed to be shortened.

My complaint followed FRCP 8(a)2. If I had actually put in all wrongs done and all defamation, the complaint would have been 300 or more pages long. My complaint in the last case was 214 pages long, and I had left out the union and filed a separate case about the union.

It is untrue and a lie that I am not willing or able to comply with procedural and substantive rules about a coherent complaint with a cognizable basis for recovery. I have not ever asserted baseless claims. I have even pointed to laws and cases, even though I am not required to. I have not "each time" told a "disoriented and disconnected story." They were all connected. The closest they can come to any truth in that comment was that the complaint in my last case was long. I say it could have been organized a little better and similar points grouped together a little better. It was extremely stressful and time consuming to write it. None of my allegations were

incomprehensible. In this paragraph, everything I said that they said was a violation of FRCP 11 about truth. I have not wasted money, time, or judicial resources. The defendants have. They caused their own money expenses, time, and resources and mine and the courts'.

It was misleading, at best, when they said I have "taken my campaign to North Carolina." I came to NC to work on my mental disability and not to do a campaign. I could have stayed in CA to try court until I got a fair and full attempt at litigation. It is not true that my complaint "may be characterized as no more than a generalized and repetitive rant." It was neither. They can say I ranted some in it. It is very understandable why I did, and it needed to be done and more needed to be done. It is untrue I offer only conclusory facts. It is untrue that my complaint is "devoid of any factual allegations to make out an intelligible, much less plausible, claim." It is untrue that I failed to articulate a claim. My complaint shows it. They offer no facts to support their claims that I discussed in this paragraph. Their comments are full of lies and violate FRCP 11. They claimed all the untruths about my claims are unintelligible, about a rant, about disoriented and disconnected, baseless, and unwilling or unable to comply with procedural or substantive rules. They are saying or implying I have a mental problem or disability. I do. They had a big part in causing it. They are discriminating and retaliating in violation of ADA. I went to the EEOC about that when I was in CA; they told me they could not do anything about a court case.

The defendants claimed Federal Court in NC did not have jurisdiction and want the case dismissed

with prejudice. I thought a case in a Court that did not have jurisdiction was supposed to be dismissed without prejudice.

I do not believe the defendants' Motion to Dismiss should be granted. I ask that it is not granted.
Sincerely,

Glenn Henderson

Exhibit 4
Glenn Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314
910-867-4931
Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:13-CV-635-FL
Reply to Hope Mills' Reply to my Reply to Motion to Dismia

PLAINTIFFS
USDOJ, Glenn Henderson
-v-
Boren at al.
DEFENDANTS

It is not true that another more qualified applicant, based on the selection criteria, was selected. I doubt that anyone who applied had an MBA from a top 25 school. That makes me more qualified than any government experience can. Many employers in my county and in NC have treated me

as badly as or worse than Hope Mills. 100's have. I will fight all of them for as long as it takes to get that right and to get justice. This and these people have got to be stopped. They are terrorizing my and trying to force me out of town and out of NC. I do not even want to be here. How could anyone possibly want to be here after the way I have been treated? I have been treated that way for many and too many years. They are conspiring, colluding, and/or behaving collectively. The people making employment decisions started with no experience but got chances. They refuse to do the same with me. I even have experience now. These people are doing to me what Sony, Russo, and the corrupt lawyers and judges have done. I need to be willing to die over this. They will have to kill me to stop me from fighting this. I have been blacklisted from employment. These people are monopolizing employment. If I am not protected about this, then that is a violation of equal protection in the 14th Amendment. What is worse- losing one's Constitutional and other rights or being blacklisted from employment? I can't decide. I am leaning toward being blacklisted from employment. I had better luck in CA, even after being wrongly fired at Sony. My county's employers and NC employers, like most but not all defendants in this case, are very lucky I have not gotten a gun and gone after them. If I ever start thinking like that, I promised myself I will go to a hospital for help. Hope Mills is not the only employer I have filed an EEOC charge about. What is my wrong to these employers- getting the best education I possibly could, according to my abilities? NC treats me like I am an incompetent idiot. If Hope Mills can show that a candidate from a higher ranked school was hired, I will say okay. I bet

their managers don't have that. My emphasis was in corporate finance with a minor emphasis in accounting. A lawyer knows about the importance and knowledge and skills an education gives. They cannot practice law without a degree. I never got a chance to show my knowledge and skills. Having government experience was not the only way to qualify for the position. Lawyers have to pass the bar test. I got 46 of 48 questions right in an accounting test and got 100% on an Excel test I took at Hope Mills in 2013, and I did not have a day of government experience. I did that with a lot of anxiety and depression. I had trouble concentrating. I am glad the test was not timed. It is hard to believe Hope Mills does not have a record of what they evidently sent to the EEOC. I doubt that the EEOC was lying about receiving the information. Ms. Little seems to be unwilling to admit Hope Mills sent it; I am referring to her statement "Even if it did..."

They tried to twist my words around and say I expressed uncertainty regarding whether or not the EEOC letter dated 11/3/10 related to charge 433-2010-00544. I said the EEOC's letter evidently was about that charge and there appeared to be a mix up because the EEOC was talking about the Finance Director position, that I had previously applied for, but my charge was about an Assistant Finance Director position. Hope Mills should know or realize the EEOC's letter was about Hope Mills. The EEOC should have all our correspondence in their file.

The job description shows I am qualified. That is in Exhibit 1. They only required an Associate's degree. They preferred a Bachelor's with an emphasis on governmental accounting. They do not say a major but an emphasis. I have an MBA. Plus, it

was from a top 25 school. That is better qualifications than the required Associate's degree or preferred Bachelor's degree. I bet most of their candidates didn't have one and could not get one. Under Experience, they stated experience in governmental accounting, listed some other experience, and said or an equivalent combination of training and experience that provides the required knowledge, skills, and abilities. I definitely had the equivalent combination part. They defamed me in their court papers and to the EEOC. They defamed me in their letter (Exhibit 2) about another candidate's qualifications more closely matched their requirements, unless that candidate had an MBA from a higher ranked school. I doubt it; I doubt if anyone like that would apply with Hope Mills, unless they were desperate, like because of the bad economy, or like me in my situation. I doubt if most or maybe anybody gets an MBA and hopes to land a job with a place like the Town of Hope Mills. They implicitly or actually defamed me by not hiring me and not interviewing me; that meant they were saying I was not qualified or was less qualified than someone else. They defamed me more than once, so RICO applies. They had an ad with the EEOC that I also clearly met the qualifications for; it did not say anything about government accounting. That is Exhibit 3.

They made a point in the middle of page 3 of the Reply Memorandum when they referenced Nichols and said statements are privileged and could not give rise to a claim of defamation as long as they are "material and pertinent to the questions involved." Their comments about 391 were not material and pertinent. Hope Mills did not show they did not

discriminate. It was bad faith to not state I was wrongly put on the 391 list. That was retaliation, and that is not privileged as I discussed in my first Reply to Hope Mills. Their last sentence on page 3 stated that "Generally," statements made in such proceedings become privileged." Saying "generally" means not always.

I cannot understand how they can believe a submission made "after" the Plaintiff filed a charge cannot be retaliatory. There has to be an adverse employment related action after a complaint about discrimination for there to be retaliation. My letter from the EEOC showed that retaliation is more than plausible and that it happened.

I did not admit I lacked experience for the town's position. I said I did not have government experience. Having government experience was not the only way to qualify. I qualified. The town must not have "needed to hire a person with experience in municipal government" because the job description did not require that. They interviewed me for an Accounting Technician position in 2013, and I still had no government experience. I asked an interviewer, I believe the Director of Finance, about the difference between government accounting and business accounting. He said there was not much difference. The other interviewer (of 2) said congratulations on my test scores.

I did not clearly admit or in any way admit I was not qualified. Their claim that I did was untrue and a violation of FRCP 11 about truth. I said I was qualified in my complaint to the EEOC and implied it in this case's complaint by saying I thought I was discriminated against. I will fight the claim that I was not qualified and was not the most qualified

forever or until it is resolved or until I am shown proof I was not. I passed the Thomas case criterion of must be qualified.

I am really dumb for thinking Ms. Little was treating me like a human being. I thought she had been in the first reply but not now. After all my bad experiences with lawyers, I should have known better.

I did not check the Retaliation box in my complaint to the EEOC because the retaliation had not occurred yet. After the retaliation, I requested a retaliation charge or an amendment to the original charge, as the copy of my letter in the first Reply showed.

They sounded nice again at the bottom of page 5, but I know better now than to believe it. I plead and have pled that my mental condition prevented me from filing during the specified period. I was declared mentally disabled, and the biggest reason was because of the anxiety about litigation. I wanted to avoid that anxiety. I can show the statements about me in my disability case. The disability people knew about my litigation. I told them. It would be really embarrassing for my disability proceedings to be public. I am not sure if disability cases are public record. Although it was after my complaint with Hope Mills in 2010, in June 2012, I even wrote to the CEO of Cape Fear Valley Hospital that I needed to be hospitalized. It was because I could not find a job and wanted to go to court but was too afraid and anxious. I have felt the same way since 2008, including with Hope Mills, about filing an employment discrimination case. Before that letter, I had filed some complaints with the EEOC. The time to file was approaching, and that really caused me a

lot of anxiety. It caused me anger, too. I had suicidal thoughts. I still do. I was very afraid of being made fun of by the public if I filed an employment discrimination case. Fayetteville is much smaller than Los Angeles. Cases are more likely to be in the newspaper. That is why I wrote the hospital CEO. I can show that letter and show my mailing it. It is not a coincidence I put Hope Mills in the middle of the list of defendants; I was hoping it would be less noticeable to anyone looking at court cases. I have heard and read that it is hard to prove discrimination in employment. My cases with Sony and others were cases I should have clearly won and had absolute proof, but I did not get a fair and full attempt at litigation. I was not sure what to expect about a discrimination case. My condition existed for all of the filing period and not just a majority of the filing period. I was declared mental disabled starting from August 2007. Being declared mentally disabled means the person cannot do some or all ordinary, everyday life tasks. Trying court is not an ordinary task. That is hard to do for anybody. I imagine they might say my cases don't make it look like that, but they do. What was done to me in court would be terrible on anybody. I make myself try court. I have a lot of anxiety about it. My Constitutional rights and other rights were taken away. My zealous advocacy was chilled. Those things are something very much worth fighting for. Many Americans have fought for that, and many have died or been wounded. I discussed with therapists since 2008 about anxiety and anger about my employment situation and about thinking about related litigation. I could not act upon my legal rights. So, I easily passed the criteria from the Robinson case that the defendants referenced. I

cannot really show what I am thinking. Judge Boren, a defendant in this case, said I did not show I was not harassing. That really meant he was saying I did not prove what I was thinking and intending. He decided I would rather harass than have a good job and career, get compensation, get medical and psychological treatment, and have my Constitutional and legal rights. That was absurd. After my litigation attempts, I cannot believe that anyone would think going to court would not cause me severe anxiety. I normally wait until the statute of limitations is about to expire, or when I think it is, before I file a case. The same is true for filing a charge with the EEOC. I want to delay as long as possible.

On the bottom of page 6, they said I have actively engaged in pro se litigation. They only named two cases. I did not claim I was totally unable to function. I can dress and feed myself. My ability to function is severely impaired but not totally. I cannot function normally. I cannot do all the things that are needed for ordinary life. It is discrimination against any mentally disabled person to claim or imply the person must be totally unable to function. That bothers me. The two cases were not about employment and were out of state. I filed one before I left CA. I was terrified of those and all my cases. It took me a long time to write them, like this case. I did not totally lose my ability to read, write, and talk. I have a lot of trouble focusing and concentrating. I have obsessive-compulsive disorder and have recurring obsessive thoughts about past and maybe future litigation, employment, and dealing with everyday life and people. The defendants are disrespecting the disability court's declaration and

therapists and psychiatrists opinions. I guess Ms. Little thinks she knows more than they do or I do about that. She claimed or implied I could not do the Assistant Finance Director job at Hope Mills because I did not have government experience, but she wants to act like she knows about mental conditions, mental disability and psychology, and I am guessing she has not experienced or had mental disability, or been trained in it at the PhD or MD or Master's level, or had experience in treating it at a job. Some other defendants in this case have claimed my writings were disconnected and disoriented and were ranting, like I was mentally disabled and mentally disturbed. That was discrimination. My being in Fayetteville and NC and my moving back here is proof of my mental disability. I would have to be crazy to be here after the way employers, hospitals, and others have treated me. I had these problems before I left NC in 1993 and now after I came back in 2007. I would have never, ever have come back if I had been psychologically okay. I would have never been here from 1987, when I got my MBA, to 1993, if I had been psychologically okay. I have applied for jobs I didn't want because I wanted someone to offer me one. I now think about anyone and everyone who has said or done anything wrong to me and intended me harm. I don't think about it on purpose. I wish I had stood up for myself better. Now, I want to get them back or get justice. I would like to find a way to deal in an appropriate way with people who have caused me harm. I do not even want to leave my house. I actually don't want to be in my house. People can cause me problems there; they are around, outside, or can call, or come to my door or in my yard, or throw stuff on my property. I don't want

to drive or walk because people are around. Often, I want to be isolated anywhere where no one can get to me. Every day, I wonder and worry what might happen to me that day. My mental condition started when I was five and at Highsmith Hospital. I got PTSD, anxiety disorder, and bouts of depression. Highsmith is or was a part of Cape Fear Medical Center. Cape Fear hospital doesn't care. They won't help me. Sony and courts made conditions worse and terrible.

I just recently filed a complaint with the EEOC about the two jobs I applied for with Hope Mills 2013. I waited until the last minute. I now have a Right to Sue letter. This is in Exhibit 4.

The last paragraph in the Conclusion again sounded like they were treating me like a human being. They were wrong in saying they continued treating me with respect, as the paper I am replying to shows. Most of that paragraph sounded good, but I now know better than to put much belief in what they said.

In the Order to Dismissing Plaintiff's Complaint, they referred to the Bullock case. Hope Mills could tell my age from my application. I put I was released from Sony about jury duty and discrimination. The discrimination was mainly mental condition discrimination. I started putting more in my applications and cover letters about my disability sometime in about 2009 to help explain what I had been doing and working on. I put about my disability in my complaint. My documents did not at all show that I was not interviewed because the town needed to hire a person with experience in municipal government. My documents show I was qualified and showed that they needed to hire me. I guess they

assumed it was obvious, but they did not explain why they needed to hire someone with municipal experience. They did not explain or attempt to explain why my MBA was not better than experience in government municipal accounting. Not hiring or interviewing a person, who is highly qualified, is discrimination of some kind. Education is part of one's culture, and discriminating about culture is illegal. I also believe they and other employers do not like that I got my MBA from CA and lived and worked there. They claimed I admitted I was not qualified. I did no such thing. I put in my EEOC charge that I was qualified and met the requirements. I think I have previously addressed the other points in their paper about the Order Dismissing.

I believe their Motion to Dismiss should not be granted. I ask that it is not granted.
Sincerely,

Glenn Henderson

Exhibit 5

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court
SEP 19 2005
John A. Clarke, Executive Officer/Clerk
By G. Tapanes, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CASE NO. SC 085392

~~PROPOSED~~ ORDER GRANTING DEFENDANTS' MOTION FOR ORDER

(1) DECLARING PLAINTIFF A VEXATIOUS LITIGANT,
(2) REQUIRING PLAINTIFF TO FURNISH SECURITY, AND
(3) PROHIBITING VEXATIOUS LITIGANT FROM PURSUING FURTHER LITIGATION WITHOUT COURT ORDER

GLENN HENDERSON,
Plaintiff,
vs.
SONY PICTURES ENTERTAINMENT, ESIS, PAUL, HASTINGS, JANOFSKY & WALKER, L.L.P., KIM RUSSO, RAYMOND SMITH, MIKE BURKENBINE, AMY DOW, HOLLY LAKE, JAMES ZAPP, YASUKO FURUYA, LINDA BERSHAD, ADELINE MASSON, STEVE BURLIE, MICHELE STEIN, STEPHEN CARROLL, JOHN CALLEY, BETH BERKE, JULIE BIEHL, MARY BURKE, MARK LEBOWITZ, BEDIA SINGH, SHERI SMITH, NORMA CASTILLO, ELANOE DE SILVA, KAREN OTTO, VIVIAN FEFFERMAN, MYRON HALE, M.D., SUZANNE CRIELY, DREW SHEARER
Defendants

The motion for an order (1) declaring Plaintiff a vexatious litigant; (2) requiring plaintiff to furnish security, and (3) prohibiting vexatious litigant from pursuing further litigation without court order of Defendants Sony Pictures Entertainment Inc., Paul, Hastings, Janofsky & Walker LLP, James Zapp, Holly Lake, and Amy Dow came on regularly for hearing before Honorable Joe Hilberman of the Superior Court of the State of California, on September 19, 2005, at 9:00 a.m., in Department G of the above-referenced Court. Defendants appeared

through their respective counsel of record. Plaintiff appeared in pro se.

The Court, having fully considered the papers, evidence and argument presented by counsel for Defendants and Plaintiff in pro se, HEREBY ORDERS as follows:

Defendants' motion for an order: (1) declaring Plaintiff a vexatious litigant; (2) requiring plaintiff to furnish security; in the amount of $10,000 within 20 days and (3) prohibiting vexatious litigant from pursuing further litigation without court order is granted. This action is stayed pending posting of security by Plaintiff.

IT IS SO ORDERED.

DATED: Sep 19, 2005 2005

JOE W. HILBERMAN
Honorable Joe W. Hilberman
Judge of the Los Angeles County Superior Court

1

Exhibit 6

NOTE: CHANGES MADE BY THE COURT
NOTE: CHANGES HAVE BEEN MADE TO THIS DOCUMENT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT COURT OF CALIFORNIA

Case No. CV07-7714 ODW
Honorable Otis D. Wright II
Courtroom No. 11

~~PRPOSED~~ ORDER (1) GARNTING DEFENDANTS' MOTION TO DISMISS WITH PREJUDICE; (2) GRANTING MOTIONS FOR ORDER DETERMING PLAINTIFF A VEXATIOUS LITIGANT; ~~(3) GRANTING REQUEST FOR SECURITY;~~ ANS (4) ISSUING OF A PRE-FILE ORDER

Complaint Filed: November 27, 2007
GLEEN HENDERSON
Plaintiff
vs.
JOE HILBERMAN, et al.
Defendants

1

The Motions by Defendants Sony Pictures Entertainment Inc., County of Los Angeles, Office of the District Attorney for Los Angeles and Peter Glick for Order Determining Plaintiff a Vexatious Litigant and Requesting Security and issuing a Pre-Filing Order came for hearing before the Court on February 2, 2009.

At the same time, motions to Dismiss filed by Defendants Sony Pictures Entertainment Inc., Paul, Hastings, Janofsky, and Walker LLP, Eve Coddon, Holly Lake, James Zapp, Amy Dow, County of Los Angeles, Office of District Attorney for the County of Los Angeles, Peter Glick, and Attorney General Michael Mukasey also come for hearing before the Court on February 2, 2009.

Having fully considered the papers filed by the parties and the argument of counsel, and for the reasons set forth below, the Court finds that Defendants, collectively, have sufficiently demonstrated that Plaintff"s litigation history in federal court warrants GRANTING the Motion for Order Determining Plaintiff a Vexatious Litigant, etc. as follows: (1) that plaintiff Glenn Henderson be declared a vexatious litigant pursuant to the authority vested in this cOurt. See, 28U.S.C. 1651; Fed. R. Civ. P. Local Rule 83-8.1; (2) that Plaintiff is prohibited from pursuing further litigation against Defendants Sony Pictures Entertainment Inc., Paul,

Hastings, Janofsky, and Walker LLP, Eve Coddon, Holly Lake, James Zapp, Amy Dow, County of Los Angeles, Office of District Attorney for the County of Los Angeles, Peter Glick, Rosen Saba, LLP and James R. Rosen, involving claims related to or arising out of Henderson's former employment or litigation with Sony, without court order; and (3) that Plaintiff be required to furnish security in the amount of $50,000 as a condition of filing and pursuing any further proceedings against the aforementioned defendants without a pre-filing review and approval by the Court.

2

Furthermore, for the reasons set forth below, the Court finds that Defendants have sufficiently demonstrated that Plaintiff's Second Amended Complaint should be dismissed in its entirety without leave to amend against the aforementioned Defendants.

1. THE BACKGROUND OF THIS ACTION

The present dispute has a long history essentially growing out of and related to the termination of Plaintiff's employment over seven years ago.

Plaintiff Glenn Henderson was hired by Columbia Pictures Television, Inc, Sony Pictures Entertainment Inc.'s ("Sony") predecessor-in-interest, on August 31, 1998, as a cash allocation clerk. As Such, Henderson was responsible for researching cash receipts and allocating those receipts to the appropriate customer invoice. According to Sony, Henderson's performance at the company throughout his employment was inconsistent and poor. Henderson disagrees.

Henderson was terminated effective October 18, 2001, after which he filed a series of actions against

his employer alleging, *inter alia*, age discrimination, retaliation, and general claims of wrongful termination.

On or about August 21, 2002, the parties reached a settlement agreement and, on August 22, 2002, a request to dismiss the action with prejudice was filed and granted in state and federal court.

Since that initial action, Henderson has filed a series of *pro per* (and/or *pro se*) actions in state and federal court against a multitude of defendants, including the Equal Employment Opportunity Commission, Office of Professional Employees International Union (OPEIU), Local 174, "The United States Government," The United States Department of Justice ("DOJ"), numerous state court judges, the United States Attorney General, and all nine Justices of the United States Supreme Court. Paul, Hastings, Janodsky, and Walker LLP. Eve Coddon, Holly Lake, James Zapp, and Amy Dow (collectively referred to herein as the "Paul Hatings Defendants") were also named in subsequent lawsuits

filed by Henderson because of alleged wrongful actions against him during their representation of Sony.

It has been brought to the attention of the Court that Henderson has already been declared a "vexatious litigant" in California state court. On September 19, 2005, in an action involving, *inter alia*, Sony and the Paul Hastings Defendants, and related to allegations stemming from Henderson's 2001 employment termination, Henderson was declared a vexatious litigant n state court, required to p-ost a $10,000 security bond to proceed with his

case, and prohibited from pursuing further litigation without court order, pursuant to California's vexatious litigant statute. *See, California Code of Civil Procedure* 391-391.7. Having failed to post the requisite bond, the action was dismissed.

A. Plaintiff's Current Claims

Plaintiff now seeks redress for a variety of alleged injuries, and review of the constitutionality of California's vexatious litigant statute, in federal court. In his Complaint, Henderson alleges a laundry list of civil and criminal violations including "RICO [violations], CBA [Collective Bargaining Agreement] violations ...Stalking, Extortion. Tried to frame me...Cover up. Aiding and abetting, leaving the scene of a crime. Scam...Threats. Like assault and battery...Attempted Manslaughter...Discrimination...torture...Assault and infliction of bodily harm or serious bodily harm. Assault with a deadly weapon." *See*, Second Amended Complaint ("SAC"). Pages 8-9.

A detailed summary of Henderson's federal litigation history related to the matter and the disposition of those filings is discussed in greater detail, *infra*, in Section 2(C). The record demonstrates Henderson has attempted to reassert and relitigate the same claims against these Defendants numerous times.

4

B. Procedural History

Plaintiff's original Complaint was filed on November 27, 2017, and is 214 pages in length.

On or about April 1, 2008, Judge Schiavelli granted the Department of Justice's Motion for a More Definiate Statement, pursuant to Fed. R. Civ. P. 12(e).

On July 2, 2008, Judge Schiavelli granted the Motion to Dismiss filed by defendants United States Government and United States Department of Justice.

On July 18, 2008, Mr. Henderson filed the instant 57-page Second Amended Complaint.

On September 4, 2008, Judge Schiavelli dismissed, among other things, the Chief Justice of the United States Supreme Court, the eight Associate Justices, and two United States District Judges.

On or about October 8, 2008, this matter was transferred to this Court, upon Judge Schiavelli's retirement.

On October 15, 2008, this court issued an order to show cause why the case should not be dismissed as to any issue to any unserved defendant.

On December 4, 2008, Sony's authorized agent received Mr. Henderson's Summons and Second Amended Complaint by hand service.

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II. MOTIONS TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT

A. This Court Has Considered The Appropriate Factors Bearing on the Motion(s).

By the authority vested in the district court, pursuant to 28U.S.C. 1651, this Court has the "inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation." *Wiseman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999), *citing DeLong, supra*, 912 F.2d at 1147. *See*, also, *In re Martin-Trigona*, 737 F.2d 1254, 1262 (2nd Cir. 1984) ("Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct {like the filing of time-

consuming and frivolous actions} which impairs their ability to carry out Article III functions.")

Among the restrictions that may be imposed on a litigant found to be vexatious, is a requirement that the litigant obtain the approval of a judge before being allowed to file an action.

Pursuant to its Local Rules, it is the policy of the U.S. District Court of the Central District for California "to discourage vexatious litigation and to provide persons who are subjected to vexatious litigation with security against the costs of defending against such litigation and appropriate orders to control such litigation." *See*, Fed, R. Civ. P. Local Rule 83-8.1.

Similarly, when determining when a bond requirement order should issue:

The Court may, at any time, order a party to give security in such amount as the Court determine to be appropriate to secure the payment of any costs, sanctions or other amounts which may be awarded against a vexatious litigant, and make such other orders as are appropriate to control the conduct of a vexatious litigant. Such orders may include, without limitation, a directive to the Clerk not to accept further filings from the litigant without payment of normal filing fees and/or without authorization from a judge of the Court or A Magistrate Judge, issued upon such showing of the evidence supporting the claim as the judge may require.

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See, Fed. R. Civ. P. Local Rule 83-8.2.

Any order mandating the posting of a security bond pursuant to Local Rule 83-8.2 "shall be based on a finding that the litigant to whom the order is issued has abused the Court's process and is likely to

continue such abuse, unless protective measures are taken." *See*, Fed. R. Civ. P. Local Rule 83-8.2.

Although it is not required, the Court may, "at its discretion, proceed by reference to the Vexatious Litigants statute of the State of California, Cal. Code Civ. Proc. 391-391.7, *Id.*

The Ninth Circuit has held that before a Plaintiff can be enjoined as a vexatious litigant, the court must find that: (1) the plaintiff had notice of the motion and an opportunity to be heard: (2) there was an adequate record for review showing that the litigant's activities were numerous or abusive; (3) the court has made substantive findings as to frivolous or harassing nature of the litigant's actions; and (4) the order has an appropriate breadth and is narrowly tailored to fit the specific vice encountered. *De long v. Hennessy*, 912 F.2d1144, 1147-1148 (9th Cir. 1990).

The Ninth Circuit later clarified the purpose of this "factor test" in *Molski v. Mandarin Touch Restaurants*, 500 F.3s 1047, 1057-1058 (9th Cir. 2007):

The first two requirements, (1) notice and an opportunity to be heard and (2) the creation of an adequate record, are *procedural considerations* that is, the factors define '{a} specific method or course of action' that district courts should use to access whether to declare a party a vexatious litigant and enter a pre-filing order. [Citation Omitted.] The latter two factors, requiring (3) findings of frivolous or harassment and (4) that the order be narrowly tailored to prevent the litigant's abusive behavior, are *substantive considerations*- that is, the factors help the district court define who is, in fact, a 'vexatious litigant' and construct a remedy that will stop the litigant's abusive behavior while not unduly

infringing the litigant's right to access the courts." [Emphasis added.]

Furthermore, the court in *Molski* went on to state that, while it is true the five factors set forth in *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2nd Cir. 1986),

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which are adopted and applied by the Second Circuit, have never been adopted by the Ninth Circuit, they can be viewed as a helpful "tool for analyzing some of the [substantive] factors we set forth in *De Long*." *Molski, supra*, 500 F.3d at 1057.

The five *Safir* factors are: (1) the litigant's history of litigation and, in particular, whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. *Id.*

B. Plaintiff Was Given Notice and Afforded an Opportunity to be Heard.

Plaintiff was given adequate notice pursuant to the Notice(s) of Motion, which were filed and served concurrently with the Defendants' present Motions. Similarly, Henderson was afforded an opportunity to be heard both in filing an Opposition to the motion(s) which, despite its excessive length, was read and considered by the Court, and in oral argument, despite the fact that Henderson failed to appear on the date the motion was heard by the Court.

Henderson's arguments were fully considered by the Court and Henderson was afforded an

opportunity to be heard in the motions. Henderson's due process rights have been fully satisfied.

C. Defendants have Provided an Adequate Record for Review Detailing the Harassing Nature of Plaintiff's Litigations.

Plaintiff has demonstrated a pattern of abusingthe court system by filing complaints alleging injuries without factual support and asserting causes of action without basis in law. "An adequate record of review should include a listing of all the

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Cases and motions that lead the district court to conclude that a vexatious litigant order was needed." *De Long, supra*, 912 F.2d at 1147.

In an attempt to create a complete and adequate record for review detailing Plaintiff's abuse of the federal court system, the following presents a summary of the contents of Henderson's prior federal filings and the disposition of those cases[1]:

1. *Henderson v. Sony Pictures Entertainment*, CV 02-0081-DDP.

Henderson's employment discrimination and wrongful termination claims were voluntarily dismissed with prejudice by Plaintiff, pursuant to a settlement agreement between Sony and Henderson. *See*, Exhibit !to Sony's Motion to Declare Plaintiff a Vexatious Litigant: 8/22/02 Notice of Dismissal.

2. *Henderson v. EEOC*, CV 03-3208-DDP:

Henderson's claims against the Equal Employment Opportunity Commission ("EEOC") for alleged negligence in processing his employment discrimination claim was dismissed without leave to amend by the Honorable Dean D. Pregerson on the basis that he failed to exhaust his administrative remedies and because, even if he had, his claims

against the EEOC were barred as a matter of law. *See*, Exhibit 2 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 10/24/03 Order Granting Defendants' Motion to Dismiss.

3. *Henderson v. Seltzer*, CV 03-5431-RSWL, *aff'd*, 135 Fed,APPX. 934 (9th Cir. June 22, 2005):

Henderson's malpractice and discrimination claims against his doctor in a workers' compensation case were dismissed for lack of subject matter jurisdiction because Henderson failed to allege facts sufficient to show either a federal question, pursuant to

[1]It should be noted that a number of these federal cases began in state court and were later removed to federal court.

28 U.S.C. 1331, or diversity jurisdiction, pursuant to 28 U.S.C. 1332(a). *See*, Exhibit 3 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 7/14/05. Judgment Affirming District Court Dismissal and Unpublished Opinion.

4. *Henderson v. Office of Professional Employees International Union*, CV 03-8082-DDP, *aff'd*, 143 Fed.Appx. 741 (9th Cir. June 22, 2005), cert. denied, 548 U>S> 907, 126 S.Ct. 2944, 165 L.Ed.2d 955 (2006).

Henderson's claims were dismissed in their entirety on a number of grounds, including: (1) his duty of fair representation claim against his union was barred by the applicable statute of limitations: (2) his claim for negligent infliction of emotional distress was preempted by the Labor Management Relations Act of 1947 ("LMRA"); (3) his claim for defamation was preempted by the LMRA: (4) his claim for conspiracy to commit fraud was preempted

by the LMRA; (5) his claim that the union engaged in unfair business practice was properly dismissed becauae the claim required an analysis of the collective bargaining agreement; (6) his discrimination and retaliation claims were properly dismissed because they failed to state a claim; (7) his claim for a hostile work environment was properly dismissed because he failed to state a claim; (8) his claim of conspiracy was properly dismissed because he failed to state a claim; (9) his claim of intentional infliction of emotional distress was properly dismissed because he failed to allege that the conduct defendants engaged in was extreme and outrageous as a matter of law; (10) his First Amendment claim was properly dismissed because defendants were not state actors, and (11) his claim under 5 U.S.C. 552(a)(4)(B) of the Freedom of Information Act was properly dismissed because defendants are not "agencies" and therefore cannot be held liable under FOIA. *See*, Exhibit 4 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 10/17/05 Judgement Affirming District Court and Unpublished Opinion.

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5. *Henderson v. Sony Pictures Entertainment, CV 03-8782-ABC,* aff'd, *135 Fed.Appx. 934 (June 22, 2005).*

Henderson's claims were dismissed in their entirety on a number of grounds, including: (1) his First Amendment claims against Sony falied because Henderson did not allege the defendants were stste actors: (2) his claim under 5 U.S.C. 552(a)(4)(B) of the Freedom of Information Act ("FOIA") failed because defendants are not "agencies" and therefore cannot be held liable under the FOIA; (3) his discrimination and retaliation claim were properly

dismissed because they concern events that occurred after Henderson was terminated from his employment; and) the District Court did not abuse its discretion in dismissing Henderson's pendant claims asserted under state law. See, Exhibit 5 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 4/12/04 Order Granting Defendants' Motion to Dismiss & 7/18/05 Judgment Affirming District Court Dismissal and Unpublished Opinion.

6. *Henderson v. United States*, CV 04-138-DDP: Henderson's claims of: (1) failure of government agencies to assist him in his discrimination claims against Sony, (2) improper handling of his complaint (coercion), harassment, and insult by the assigned mediator; and (3) defamation against the EEOC for statements contained in a letter he received from EEOC representatives, were dismissed in their entirety pursuant to the doctrine of *res judicata*. *See*, Exhibit 6 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 3/10/04 04 Order Granting Defendants' Motion to Dismiss.

7. *Henderson v. Sony Pictures Entertainment*, CV 04-1346-ABC: This action was consolidated with above mentioned Case No. CVV 03-8782-ABC. Henderson's claims were dismissed in their entirety on the same grounds, in an identical order issued by the District Court as to both cases. *See*, Exhibit 7 to Sony's Motion to

Declare Plaintiff a Vexatious Litigant, 4/12/04 Order Granting Defendants' Motion to Dismiss.

8. *Henderson v. Sony Pictures Entertainment*, CV 04-8748-DDP, *aff'd*, 288 Fed.Appx. 387 (9th Cir. Aug. 1, 2008):

The Ninth Circuit affirmed the District Court order, holding: (1) Henderson's Title VII claims that arose during his employment with Sony were barred by the terms of the settlement agreement that resolved his prior action: (2) the District Court was within its discretion in dismissing with prejudice employee's Title VII claims that arose after settlement agreement was signed, since Henderson already litigated those causes of action in his 2003 complaint, and since his appeal was pending in the Ninth Circuit when District Court dismissed the case: (3) the District Court properly dismissed without prejudice Henderson's Title VII claims that were based on allegations unrelated to his prior action against Sony because he had failed to first exhaust his administrative remedies; and (4) the District Court properly dismissed with prejudice employee's Title Vii claims against defendant bank. *See*, Exhibit 8 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 6/20/05 Order Granting Motion to Dismiss & Unpublished Opinion Affirming District Court dismissal.

9. *Henderson v. United States Government*, CV 05-1434-DDP.

Henderson's claims against the United States Government were dismissed for lack of presentation and for failure to comply with the orders of the Court. Henderson failed to show cause, in writing, why the action should not be dismissed. *See*, Exhibit 9 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 9/07/05 Order of Dismissal.

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10. *Henderson v Robertson*, CV 05-5659-ABC: *aff'd*, - Fed,Appx.- 20085 WL 4185988 (9th Cir. Sept. 9, 2008)

Henderson's claim against a hospital, and an

individual identified only as "Dr. Robertson," for a surgery performed on him "when he was five years old, in 1959 or 1960[,] was barred by trhe applicable statute of limitations. *See* Exhibit 10 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 9/06/058 Order Dismissing Plaintiff's Complaint and Unpublished Opinion Affirming District Court Dismissal.

11. *Henderson v. Sony Pictures*, CV 05-9000-DDP. Plaintiff filed a one page complaint against "Sony and a John or Jane Doe" for "Retaliation and Defamation," asserting that Sony prevented Plaintiff "from getting a goof reference[.]" The action was dismissed without prejudice; the district court having declined to exercise supplemental jurisdiction over the defamation claim. *See*, Exhibit 11 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 3/16/06 Order Dismissing Case.

12. *Henderson v. Local 174 Union*, CV -07-5100-PA, appeal pending, CA 08-551454:

This action was dismissed with prejudice by the District court upon finding that Henderson's claims were barred by the doctrine of *res judicata*. Henderson was found to have twice previously sued the Union on essentially the same claim of inadequate representation in his termination with Sony. Each of those cases were resolved against Henderson on the basis that the claims were barred by the applicable statute of limitations and preempted by LMRA. *See*, Exhibit 12 to Sony's Motion to Declare Plaintiff a Vexatious Litigant, 12/21/07 in Chambers- Court Order.

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D. <u>Applying the Safir factors Shows the Frivolous and Harassing Nature of Plaintiff's litigations.</u>

Before issuing a pre-filing injunction against a *pro se* plaintiff, a district court must make "substantive findings as to the frivolous or harassing nature of the litigant's actions." *De long, supra*, 912 F.2 at 1148. Application of the *Safir* factors demonstrates Plaintiff has a history of filing frivolous and harassing lawsuits against Defendants.

1. *The Plaintiff's History of Litigation.*

A review of Henderson's state and federal litigation history shows a tendency to file complaints without factual support and without a basis in law. Plaintiff's complaints are often rambling and incomprehensible rants against a multitude of defendants without basis for a remedy at law beyond a personal belief that "justice" for him has been denied. In fact, the majority of Henderson's complaints have been dismissed on the grounds that: 10 his asserted claims are barred as a matter of law, 2) his complaint "fails to state a claim" pursuant to the Federal Rules of Civil Procedure, Rule 12(b)(6), or 3) he failed to prosecute the claim. Plaintiff's federal litigation history reflects a pattern of filing baseless and unsupportable claims.

By alleging any and all conceivable civil and criminal wrongs in his complaints, by failing to support those claims in court, and by reasserting the same claims after having lost on the claims previously, Henderson's past lawsuits have been shown to be frivolous, vexatious, and harassing.

2. *The Litigation Motive in Pursuing the Litigation.*

The record before the court reflects Plaintiff's unwillingness or inability to comply with a basic rule of federal procedure requiring plaintiff to file a coherent complaint with a cognizable basis for recovery. Since 2002, Henderson has sued Sony

Seven times in federal court alone, each time asserting baseless claims and telling a disconnected and disoriented story about abuse suffered at the hands of governmental entities, federal and state judges (including all current members of the US Supreme Court), attorneys, and/or private individuals and businesses. While Henderson has made clear he believes all these entities are, at least in large part, to blame for his misfortunes, he has provided no evidence or facts to support a good faith belief that he should or would prevail on any of these claims.

Moreover, since resolution of the 2002 lawsuit, Plaintiff has file *more than twenty-one* total lawsuits, between state and federal courts, against Sony, the Paul Hastings Defendants for their representation of Sony, the judicial officers who have presided over his each of his action, the California Court of Appeal, the United States Supreme Court, and various other defendants.

Having attempted to litigate many of these issues in federal and state court against the same parties many times before, and having lost on those issues previously, this Court finds that Henderson is bringing these suits against Defendants merely to annoy and harass them.

3. *Whether Litigant is Represented by Counsel.*

Henderson's suits are always brought in *propria persona*. While it is true that courts are generally protective of *pro se* litigants, *Molskui, supra*, 347 F.Supp. 2s at 866, flagrant abuse of the judicial process cannot, and will not, be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the

meritorious claims of other litigants. *De Long, supra*, 912 F.2d at 1148.

Because Henderson has a history of filing the same or similar claims even after a court has ruled against him, permitting him to pursue this practice would only result in continued waste of precious judicial time and resources.

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4. *Whether Litigant Has Caused Needless Expense to Other Parties or Has Posed an Unnecessary Burden on the Courts.*

Plaintiff has forced Defemdants to appear and respond to baseless and incomprehensible complaints resulting in a needless waste of time, money, and public judicial resources. Conversely, when instructed in the past by the Court to appear or respond in writing and explain why he believes his asserted claims have merit, Henderson has more often than not, failed to appear or respond, resulting in further waste of time, money, and effort on behalf of all parties involved. While the Court has typically dismissed those undefended claims without prejudice, when given the opportunity to amend, Henderson has simply refiled a nearly identical baseless complaint, forcing the Defendants and the Court to begin the costly process anew.

Since Henderson's history of meritless and harassing litigation has caused needless expense and waste of private and judicial resources, the Court finds the Second Amended Complaint should properly be dismissed with prejudice.

5. *Whether Other Sanction Would Be Adequate to Protect the Courts and Other Parties*

Henderson has made it abundantly clear that he has no intention of stopping this parade of harassing

lawsuits. In the concluding remarks of his Second Amended Complaint, Henderson states:

"I will never stop fighting until I get justice and get my name off {California's vexatious litigant list] and get rid of that list and see the corrupt people get sufficiently punished or until the day I die... That is calling me an abuser of the courts, an American constitutional right. That is the government calling me that. That is saying I am intentionally abusing some else's [sic] constitutional rights. This stuff is saying I am un-American. That is something I will fight until I get justice or die."

See, SAC, page 48.

Henderson has made it clear that nothing will stop him from freely asserting what

He believes to be his absolute constitutional right to unfettered access to the federal courts. Accordingly, this Court finds it both appropriate and necessary to take extraordinary steps to curb Henderson's growing affinity fo filing frivolous lawsuits. The Court finds other sanctions will not be adequate to protects the courts and other parties from further frivolous lawsuits because Henderson's litigation history shows it has not been so.

Plaintiff's practice in federal court has been to file numerous complaints in several venues. When adverse decisions have been rendered against Plaintiff, appeals were taken, but eventually, judgments against Plaintiff are affirmed. Sometime subsequent to these determinations, Plaintiff added new claims to old claims, (re-)filed "new" complaints, and the process began anew. This Court finds it appropriate and necessary to break the cycle. Plaintiff has had a fair opportunity to be heard on

more than one occasion.

E. <u>This Order is Narrowly Tailored to the Specific Vice Encountered.</u>

Any potential order needs to be "narrowly tailored to closely fir the specific vice encountered." *De Long, supra*, 912 F.2d at 1148. The Ninth Circuit has found an order preventing litigant from filing *any* suit in a particular district to be overbroad. *Id.* On the other hand, and order preventing a party from filing actions under Title II of the Americans with Disabilities Act was found to be appropriate , because it "cover[ed} only the type of claims the [l]itigant had filed vexatiously." *Molski, supra*, 500 F.3d at 1061.

The requested pre-filing order is appropriately narrow. Plaintiff shall be prohibited from pursuing further litigation against Defendant Sony Pictures Entertainment, Inc., Paul, Hastings, Janofsky, and Walker LLP, Eve Coddon, Holly Lake, James Zapp, Amy Dow, County of Los Angeles, Office of the District Attorney for the County of Los Angeles, Peter Glick, Rosen Saba, LLP, and James R. Rosen,

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Involving claims related to, or arising out of, Henderson's former employment or litigations with Sony, without a court order.

This order is narrowly tailored because it does not prevent Henderson access to the federal courts: he can still sue other defendants who have not yet sought a Pre-filing order. It does not even prevent him (from filing a suit against the named Defendants in federal court, in the future, on unrelated claims. This pre-filing order only applies to a *particular* area of litigation and involving *specific* parties, where Henderson's allegations and conduct has been shown

to be abusive, harassing, redundant, and patently without merit.

Moreover, the order does not completely prevent Henderson from bringing claims against Defendants related to his prior employment or prior litigations involving Sony, it merely subjects such a complaint to an *initial screening review by a district judge.* If, upon review, the judge finds the claims are not frivolous and have potential merit, Henderson will be permitted to proceed.

As such, the requested order is appropriately narrowly tailored to address only Henderson's past pattern of wrongful and abusive conduct.

III. MOTIONS TO DISMISS SECOND AMENDED COMPLAINT

As previously discussed, Plaintiff's Second Amended Complaint lists a host of unsupported alleged violations of both civil and criminal law, including RICO violations, Collective Bargaining Agreement violations, stalking, extortion, "Tried to frame me...Cover up. Aiding and abetting, leaving the seen of a crime. "assault and battery, attempted manslaughter, and torture, to name only a few. The central premise of Henderson's Second Amended Complaint is that he believes he was treated unfairly by "Companies, law firms, and state ad federal governments [who] did no [sic] do their jobs of hiring, supervising, and training these employees, lawyers, and judges." *See*, SAC, page 8.

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Moreover, the bulk of the Second Amended Complaint is a generalized and repetitive rant about the failures of the judicial system to provide *pro se* litigants enough assistance to bring and prosecute their civil claims in court and the alleged

unconstitutionality of California's vexatious litigant statute.

Under Federal Rule of Civil Procedure ("FRCP") 12(b)(6) a defendant may seek to dismiss a complaint which "fail[s] to state a claim for relief, a Court "is not required to accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged." *Clegg v. Awareness Network*, 15 F.3d 752, 754-55 (9th Cir. 1994) [internal citations omitted.] the court need not, however, accept as true allegations that contradict matters properly subject to judicial notice or shown by exhibit. Nor is the court required to accept as true allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences>" *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 001) [Internal citations omitted.]

Dismissal is proper when a complaint is vague, conclusory, general, or fails to set forth any material facts in support of the allegations. *See, North Star Intern. V. Arizona Corp. Comm'n*, 720F.2d 578 (9th Cir. 1983). If dismissal is proper, leave to amend may be denied when it is clear a complaint cannot be saved by any amendment. *Livid Holdings Ltd. Salmon Smith Barney, Inc.,* 416 F.3d 940(9th Cir. 2005).

Despite his having made a multitude of claims against the abovementioned Defendants, albeit in vague and general terms, Plaintiff fails to state even minimal facts which support any of his claims for relief. Twice before, Plaintiff has been instructed by the Court to both clarify and provide factual support for his allegations. Plaintiff has failed to do so. When it is clear a claim for relief cannot be cured by amendment, it should be dismissed without affording

the plaintiff leave to amend. *Lucas v. Dept. of Corrections*, 66 F.3d 245, 248 (9th Cir. 1995).

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Plaintiff has alleged claims without a supported basis in legal theory (i.e., "insult," "adversely affected my relationships", "tried to frame me," and "scam"), has asserted claims barred as a matter of law,[2] and has simply failed to identify or plead any facts to support ant elements of his alleged claims. *See*, SAC, pages 8-9. Plaintiff has been afforded numerous opportunities to remedy these previously identified deficiencies in his complaint. Since it is clear Plaintiff is either unable or unwilling to amend his complaint to plead basic facts that would entitle him to relief, his Second Amended Complaint as against the remaining Defendants is dismissed with prejudice.

IV. ORDER OF THE COURT

For the forgoing reasons, the Court GRANTS defendants

Motions to Declare Plaintiff a Vexatious Litigant as follows:

(1) that Plaintiff Glenn Henderson be declared a vexatious litigant pursuant to the authority vested in this court. See, 28 U.S.C. 1651; Fed. T. Civ. P. Local Rule 83-8.1;

(2) that Plaintiff is prohibited from pursuing further litigation against Defendant Sony Pictures Entertainment Inc., Paul, Hastings, Janofsky, and Walker LLP, Eve Coddon, Holly Lake, James Zapp, Amy Dow, County of Los Angeles, Office of District Attorney for the County of Los Angeles, Peter Glick, Rosen Saba, LLP and James R. Rosen, involving claims related to or arising out of Henderson's former employment or litigation with Sony, without court

order; and
~~(3) that Plaintiff be required to furnish security in the amount of $50,000 as a condition of filing and pursuing any further proceedings against the~~
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~~aforementioned defendants without a pre-filing review and approval by the Court.~~
Or the foregoing reasons. The Court also GRANTS Defendants' Motions to Dismiss Plaintiff's Second Amended Complaint with prejudice, pursuant to federal Rule of Civl Procedure 12(b)(6) for Failure to State a Claim.

IT IS SO OREDERED.
Dated: February 11, 2009
The Honorable Otis D. Wright II
United States District Judge
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Glenn Henderson
5952 Cliffdale Rd.
Fayetteville, NC 28314
910-867-4931
Defendant

CUMBERLAND COUNTY SUPERIOR COURT
FOURTH DIVISION
STATE OF NORTH CAROLINA

CASE NO. 13-CVS-9617
Reply

PLAINTIFFS

Sony Pictures, et al.
-v-
Glenn Henderson
DEFENDANT

Reply to Complaint and Motion to Dismiss the Case and Vacate the Order

1. In point no. 10, two of my cases were not connected with my Sony termination. Few cases were dismissed on the merits. None was dismissed for no merit. All dismissed cases had mistakes by the judges except the first two, which were settled; some judges were dishonest. McKenzie stated that in my case v. Hilberman et al. that the appeal was dismissed as interlocutory. As far as I can tell, that means it was intermediate and not final. The only dismissal considered on the merits that is allowed for a procedure issue, that I have seen, is a statute of limitations issue, and that does not mean the case had no merit. Others are without prejudice. I was the plaintiff in all the cases I filed, but I was defending myself from the defendants' words and actions.

2. In 11, it does not matter if I held the complaint for 47 days, i.e. 1 month and 16 days; that is allowed and following procedure. Also, I was scared. I think McKenzie is claiming it is or trying to make it look like I was acting in bad faith. Why did they wait a month to try the TRO and RO if they were afraid of immediate harm? In 12, I do not at all think my demands for damages were rapacious because these people have attempted to and have taken my Constitutional and other rights away from me for many years; some have since 2000. They have lied and committed perjury. They have lied to and tricked judges and justices. I do not want the individuals to

be homeless. If they could not pay what I asked for, it would be okay. I would want them to only afford a one room apartment and drive a 26 year old car; that would be equity. What I asked for from Sony would be small for them and only a drop in the bucket for them. In 12, he made the unbelievably bad faith lie and committed perjury by stating in bold and underlined that I "threatened to kill anybody who gets in (my) way." That statement deserves imprisonment and disbarment. It shows he has no credibility and has come to court in bad faith. He did not quote me. None of his claims can be believed without documentation and proof. I said "If anyone tries to stop me, they will be obstructing justice. I will try citizen's arrest on them." I did not even threaten to defend myself. I did not "threaten to kill" them. I did not say "anybody" as in all people or say "who gets in my way." Saying "gets in my way" means or implies it does not matter if what they were doing is legal or illegal. That is three lies and three counts of perjury in one sentence. This is a big reason why he needs to be arrested or detained for arrest. I do not know if 15 is true or not.

3. In 16, that is another lie and perjury. I never threatened anything but to plan to try citizen's arrest or detainment and possibly exercise my right to legal self-defense if attacked. They can say I repeated or say others deserved citizen detainment, like McKenzie. Also, the only support any defendant had was the issue of jurisdiction. Their threats have mounted, they are now trying to take away my rights to free speech, to protect mysef, my 2nd Amendment right, and my right to make a citizen's arrest or detainment. They already know they have caused me extreme anxiety and depression because I have been

declared mentally disabled. I can't sleep well. They want to cause more harm. In 17, the comment means I tried to be helpful to defendants and prevent any harm to anyone. The same is true for 18. In 19, my statement about lucky and my statement "I will go to a hospital psychiatric unit or emergency room f I ever get to the point I want to shoot anyone proves I was not intending or threatening to do any illegal harm to them. McKenzie chose not to underline that, in bad faith. I was promising I would not do harm and would seek help if I ever wanted to shoot anyone. Referring to lucky about others, I was saying what they have done is so provoking and inflammatory and wrong and illegal, that someone else might shoot them, but I would not, excluding reasonable self-defense. I was warning of the severity of what they were doing and of possible consequences. That was nothing but beneficial and helpful to them. I was good advice to say don't do things like that or something bad might happen. They probably already thought what I said. I was making a point and not a threat. I did nothing but make it crystal clear I would not try any unlawful harm and would take steps to make sure that never happened. Disorderly conduct laws are telling them exactly what I was telling them: if they say and do things that are really bad, then a reasonable person is likely to react with violence. Violence includes shooting. Those laws are implicitly saying, if you do those provoking acts, then you are lucky if the other person does not react with violence.

4. In 20, they would have absolutely nothing to be alarmed about unless they intended to try to cause me great harm or kill me. That is the only possible way. They should think and say, well, they are not

going to try that, so they have nothing to be afraid of. It has to be a bad faith lie to say they were extremely alarmed and did not want to stir me into making additional threats. I say stir means provoke. They should not have been stirring and provoking me since 1999. If they were and are, they would have never, ever filed this case and made the absolutely bad faith lies and perjury that my cases were frivolous and I more often than not did not show up, exactly what has been making me mad and what I have been fighting for years. If they were alarmed, they would admit the truth about their wrongdoing. They are saying they would rather lie and commit perjury and civil and criminal wrongs than stop and maybe face arrest or detainment or a lawsuit. If someone were going to try lawful citizen's arrest or detainment on most people, most everybody would want to know about it beforehand and would assume if they tried unlawful violence, the arrester or detainer would try reasonable self-defense up to and including deadly force.

5. In 21, there was not and is not a delusion. Their claiming it is one is a bad faith lie and perjury. I believe I should be willing to die over this like most Americans are, and many have died over this, our rights and freedoms and the US Constitution, since the American Revolution or before. Soldiers at Ft. Bragg and all our military believe this and are protecting these rights and freedoms and our Constitution. The plaintiffs have done so much criminal and civil wrong that I believe they and others in my cases might kill me or have me killed. They have shown that by somehow getting a SWAT team to come to my house. They seem to have no fear of the law. If they honestly thought they were doing

right, they would be deluded, but they have been and are lying. 22 is surprisingly nothing but true and good.

6. In 24, McKenzie said at the RO hearing that he was mistaken about 24 lawsuits and it was 23. That's good he tried to correct that. He did not say that two were transferred by Sony and showed up twice, and one was transferred by CA to federal court because the judge thought I requested that, or some were cases I could bring back, or about dismissal without prejudice, or that there were 12 early cases instead of 6 because I filed in both state and federal courts about similar issues because I thought I had to, or that I have been trying to fight being illegally declared of violating unconstitutional CA 391 and federal LR 80-3 that I had not violated. I only name lawyers in the current federal case who tried to use 391 or 80-3 or advocated it. There were fewer defendants then than in the one before that. It is not true I named Schmid & Voiles and McColgan because they once represented a CA psychiatrist. I named them because they advocated the use of 391 on me.

7. 26 is why I am fighting and why the defendants and others need to be arrested and lose a big lawsuit. It is absolutely and totally not true and is a lie and perjury that I had a habit of filing complaints without factual support or a legal basis. They were not rambling or incomprehensible rants. They can say I ranted in v. Hilberman and some in the current federal case. The worst they can say about incomprehensible was that v. Hilberman was long and could have been better organized. I tried to include all defamation statements because Sony had wanted that before but changed their minds.

McKenzie stated that I believed justice for me had been denied. He was saying I was not being frivolous. It was more than a personal belief; it was true and fact. That statement proves they believe I was not trying to harass and did not illegally harass, even if they did not like being brought to court for all their wrongs. In one case with Sony and after they tried to get a federal judge to rule my cases were frivolous and only for harassment, the judge ruled no and denied their request. Then they, in bad faith and in violation of res judicata and collateral estoppel and double jeopardy, tried the same thing with the same cases and got a judge, Hilberman, to rule I violated the unconstitutional CA 391 even though I had clearly not violated it. The judge was corrupt and incompetent. They disrespected a federal judge and a federal ruling. They claimed I had 8 cases that were final and adverse to me. They unbelievably claimed two settled cases were final and adverse to me. Judge Hilberman unbelievably let it stand. That meant they agreed with me when I later challenged the settlement, saying it was unfair and done illegally. Only three cases were dismissed with prejudice. One of those could be brought back because I had the defendant's name wrong and had to do administrative remedy. The other three were dismissed without prejudice, so were not final and adverse; CA has ruled cases dismissed without prejudice were not considered final and adverse. Sony, in bad faith, tried to claim they were and cited a case where a judge had ruled a pro se plaintiff requested cases to be dismissed without prejudice and they could count as final and adverse cases because of that request. I never requested that. That judge legislated from the bench. That shows the hate

of pro se's.

8. 27 is totally untrue and perjury and disorderly conduct and fighting words. I always supported my cases in court. I do not resurrect the same claims except as allowed by law, like dismissals without prejudice. McKenzie should be arrested for perjury and fighting words and disorderly conduct. No one in fear would ever make such boldfaced lies. He is absolutely lying about any fear. He told me they meant me no harm. He was absolutely lying. Notice he never, ever even tried to show any of my cases had no merit. He cannot. I have only relitigated what the law allows, and I can mention any past wrongs under RICO. They have shown a pattern of RICO activity. I have not shown a pattern of anything wrong.

9. 28 is full of lies. I filed according to procedure, unlike he claimed. I did not tell disconnected or disoriented stories. There were clearly abuses by the defendants. I provide clear factual support for my claims. His last sentence in 28 states the effect on Plaintiffs is "extreme annoyance and harassment." They have done that and worse to me as shown by my mental disability because of anxiety and depression. They keep harassing and abusing a person with disability. That is a hate crime. I wish I just felt extremely annoyed or harassed. His claim belies his claim of fear for their lives or safety. I harassed no one; I had legitimate reasons for my actions, but they did not since 2000. 29 continued the lies and perjury. My complaints had base and were comprehensible, unlike what he claimed in bad faith. The plaintiffs and others in my cases have wasted time, money and public resources, and not me. 30 is an absolute lie. He offered no proof or evidence. I

once failed to respond because I did not realize I could. I do not think any court ordered me to appear. I did not appear in three cases when I could appear. The first time, I did not even realize I could appear and respond, so I did neither. I received a paper that the defendants were going to make a motion to a judge at a certain time and date. It did not say I could respond or appear. The second time, I did not appear when a judge was going to set how much I had to pay (more like extort) to have my case heard. Ridiculously, the law required that my case be determined to have merit before I could be charged money. I had appeared once, but she seemed threatening and mentally unstable and dangerous, so I did not appear the next time. The third time was in v. Hilberman. I wrote responses but did not appear 3-4 times because I could not afford to go to CA from NC, and I told the court that. The judge did not allow appearance by phone or I would have done that. No defendant was ever, ever blameless.

10. 1 is not true at all. That is an absolute lie and perjury and disorderly conduct and fighting words. They declared I was a vexatious litigant, but I had not remotely been one or remotely violated any vexatious litigant statute. McKenzie has in this case and v. Boren et al. and many other defendants in different cases have. I notice he said I was declared one and not found to be one or determined to be one. Something that does not exist cannot be found or determined. It is easy to see why there are so many cases. Defendants like these keep doing wrongs and create new causes of action. I have yet, except in the first case, which was settled, to get a full and fair attempt at litigation. McKenzie should be required to go through all my cases and state why he thinks each

one had no merit or was frivolous and to explain every place where he claims I did not appear when instructed to. He cannot. For him not to have to go through the cases would not be due process and proper administration of justice. He has made baseless claims and violated Civil Procedure Rule 11 that is in NC and federal law and has committed perjury. In 31, his claim that "for these reasons" I was declared a vexatious litigant is absolutely not true. There were no reasons. I had not remotely violated the laws. CA 391 is totally unconstitutional and 80-3 is partly because it refers to 391.

11. In 32, I was not required to post $10, 000 related to any new Sony litigation. I could only be charged to pay an amount to be determined and, absolutely absurdly, if and only if a judge ruled my case had merit. I had to get permission to file any case. It appears McKenzie is not familiar with the law or why it exists. I think he sees it should not exist. In 33, it is misleading or untrue to say the 9th Circuit Appeals Court affirmed. They refused to let me appeal. The three judges illegally would not allow an en banc appeal. 8 of 9 US Supreme Court justices would not consider my petition because they were defendants. They did not say my case was vexatious.

12. In 34, he stated the July 2013 case was about the vexatious litigant declarations. He earlier had stated I filed against Schmid & Voiles and McColgan because they had represented a psychiatrist. Judges are not totally immune. In 35, my lawsuits have not been harassing. They were for legitimate reasons. What does "parade" mean? It is obviously negative so has to be a lie. I do not plan to stop my legitimate lawsuits. The plaintiffs have harassed me. In 36, any stress, burden, or costs they have, they have caused

themselves. I made absolutely no threat of physical violence except to use force that is legal and reasonable in defending myself. They have in fact threatened me with violence and that is with unlawful violence. If they are afraid I will carry out my warning to defend myself if they try to cause or do cause me great harm or if they try to kill me if I try lawful citizen's arrest or detainment, then that means and has to mean and implicitly means, they intend to illegally cause or try to cause me great bodily harm or kill me. That is a definite illegal threat to cause me harm or kill me. Implicit statements have the same meaning as explicit statements. They should have the restraining order on them and should be arrested. They are incredible. I talked about fighting. One can tell from the context that I don't mean I will physically fight. I was not talking about physically fighting when I said I will fight. I stated I will fight until they lose a big lawsuit or go to prison. I cannot put them in prison. I only have the right to arrest or detain them. He stated I made it clear that the plaintiffs are lucky that they have not been shot or will not be shot. He agreed they are lucky. He agreed what they have done could cause or provoke someone to want to shoot them. He agreed they have violated disorderly conduct laws and fighting word laws. He left out that I said "If the defendants have done this or will do this to someone", and he only said I said lucky if "no one gets a gun and shoots them." In 37, it is not true NC GS 50-C provides the plaintiffs with a remedy. That is because my threats/warnings were not illegal and were in fact beneficial to the plaintiffs. I only threatened/warned about lawful self-defense. They have violated Rule 11 over and over. McKenzie and

the plaintiffs should be sanctioned. McKenzie violated the rule to be precise and accurate. He did not say what was an illegal threat and why. He put some of my words into his words. I even have the right to ask for an extension, modification, or reversal of existing law. I exercise that right and have in v. Boren and other cases. He is asking for a Bill of Attainder, which is prohibited by the US Constitution, to prevent inevitable future filings. They aren't inevitable. Law would allow any future litigation I attempted. He said the v. Boren case would be my last attempt at litigation and said they believe that meant I will try citizen's arrest and said they will try to cause me great harm or kill me if I do. He now wants to claim future litigation is inevitable. He keeps contradicting himself. A temporary as well as permanent taking of property, including money, without reason is a violation of the 4th Amendment.

13. In 38, my conduct is not at all illegal and is not remotely illegal. My threat/warning was to legally defend myself. It is lawful under NC GS 277-1 and 14-16.7. I can lawfully defend myself and can say I plan to. They have violated those laws against me. They have threatened to kill me or cause me great bodily harm. I am acting as my own lawyer, so I am an officer of the court. Even if I had illegally threatened them, they might have no recourse because they would have provoked me and used disorderly conduct and fighting words. 277-1 and 14-16.7 protect me and not them. 277-1 does not distinguish between a death threat and a threat of non-deadly physical harm. 14-16.7 makes it sound like officers of the court are more important and should get more protection. That does not sound like

equal protection guaranteed in the 14th Amendment. I did not couch anything. I guess that means to hide or cover up. They did that.

14. In the No Contact Order, no. 40 stated I committed acts of unlawful conduct. I did no such thing. That is untrue, a lie, perjury, and an attempt to take away my Constitutional rights, ability to protect and defend myself and, other rights. In 41, threatening arrest or detainment or doing so is not illegal. I did not threaten to physically harm them unless necessary and lawful in self-defense. If they fear for their safety, it means and necessarily means they plan to kill me or cause me serious physical harm. The court ruled 42.c. may be unconstitutional and deleted it. I never threatened to or planned to assault. I can interfere to put them under citizen's arrest or detainment. I have not stalked them or threatened to. They have stalked me. I have not harassed, abused, or unlawfully injured the plaintiffs. They have to me. If they are injured in any way, it is their doing. The only injury could be from court that they caused themselves by their criminal and civil wrongs. In 42g, I have not called, written, or contacted by electronic means except for necessary court documents.

15. In the Gatekeeper request, no.44 implied I have been vexatious. I have not been in the slightest. He stated court has the inherent power to do all things necessary for the proper administration of justice. Granting this RO and attempted gatekeeper order would not be for the proper administration of justice. That is a broad and ambiguous statement and is unconstitutional. My right to defend myself, my Constitutional rights like free speech, the right to arrest or detain, and other rights are being taking

away when I had done nothing illegal at all. That is not just in any way. In 45, I did not attempt to circumvent CA orders, which were unconstitutional and not used on me as written. I followed the illegal order. I am not sure I legally had to. I was already in NC when the federal order was issued. I filed in NC because that was where I lived after being forced to leave CA because of mental conditions that the plaintiffs and others caused. My NC action is not vexatious at all. I never got a full and fair attempt at litigation in CA. In 46, he tried more lying, perjury, bad faith, and fighting words and claimed my July 2013 case lacked legal basis. None of my cases did. He said the "vast majority" were. He changed his tune from all to the vast majority. He showed he cannot be believed and has no credibility. It was not a campaign to harass, cause grief and expense. It was legal attempts at justice. He claimed he knew what I was thinking; he did not. I could and should have prevailed in every case. Sony never prevailed on merit at all. I do not want them to have court and attorney expenses. I do not want McKenzie to make money off this or his clients. I sent Schmid & Voiles a check for $9,000 for their client because I did not want the client to have attorney expenses. I had a job then. They did not cash it, and it was not returned to me. That was theft. I put a stop order on it. In 47, the only means to prevent me from further filings is for the plaintiffs and others to stop their illegal wrongdoing. In 48, I clearly obeyed Rule 11. They did not. They committed perjury. In 49(1), I never filed any vexatious or harassing lawsuits. I only duplicated issues if the law allowed, like with a dismissal without prejudice. In (2), I always had a good faith basis. (3), the extent of any burden on the

courts or defendants was caused by the defendants and not by me. The defendants have lied, misled, tricked judges, and committed perjury and other criminal and civil wrongs. They unethically, unbelievably, and wrongly want me to get both approval to file and then also pay $10,000. Either one is wrong to try or get .Trying to get $10,000 is extortion. Justice is not for sale. The order n this part repeats the RO part. So, my response is the same. They are trying to stop my zealous advocacy. They deserve a gatekeeper order. In 2.4. on page 11, my most recent litigation was not at all vexatious. They have caused me huge financial harm, several hundred thousand dollars, plus emotional damage, plus damage to my reputation, and exposure to public ridicule and, they want to do more. I do not know what to think: he asked the court to consider my mental and financial health; that sounds nice and good and like he wants to be fair and sounds unlike almost anything else he has stated. In 2.5., there is no relief for them that is proper.

16. I question if the court has jurisdiction. NC GS 50-C was not followed. I did not get a summons for the 12/30/13 hearing. The federal court ruled it does not have jurisdiction over the plaintiffs except Sony. How can NC state court? This action requires application of CA laws. I don't think an NC court can do that.

Other points and thoughts follow.

17. This case is malicious prosecution. They are trying to chill and stop my zealous advocacy and free speech. I have been falsely accused of a crime or crimes and wrongly and illegally threatened with jail and taking my money. If the defendants believe someone is actually a threat to do violence, they

never would do something like this RO. They are not concerned with public safety. This is the kind of treatment that leads some to commit suicide. This is the kind of treatment that could cause a person to get a gun and shoot anybody. I am sure the plaintiffs are going to want to claim I am threatening violence, but I am not. I think everyone is aware of that point. My talk is good for everyone. That is exactly what free speech is for. It is good to think about these things. This kind of talk has been talked about a lot concerning mistreatment and bullying. I do not think I have said anything the defendants and most everyone do not already know. My point is there are people in the world who would shoot others over their kind of actions and words. Saying there are people like that is not a threat to do the same behavior. It should not be wrong to say what I said because someone is afraid that there are people who will shoot. We in America talk all the time about the threat of terrorism. That scares everyone, but it is important to talk about it and to protect ourselves as best as possible. The defendants know what I am saying is true but do not want to hear it. They are un-American and are cowards. Free speech exists to protect speech that others do not like as long as it is not a threat to do unlawful violence or other unlawful acts. I have not threatened to do anything unlawful. McKenzie is trying to win and stop a civil case in federal court and other possible cases. His attempt at a Gatekeeper order shows that. It is illegal to threaten or use prosecution to win a civil case. McKenzie told me he wanted to help me get help with my mental condition that he likes to refer to as mental illness. He lied. He said nothing about getting me help to the judge. His reference to my

mental condition and all of this case violates the Americans with Disabilities Act (ADA). By saying mental illness, it sounds like they are trying to say that makes me more of a threat. I think he is trying to show me as mentally unstable and deranged and a threat because of my mental disability. I was declared mentally disabled because I have anxiety disorder, depression, and obsessive compulsive disorder (OCD). None of those cause violence. Anxiety disorder makes one avoid stressful situations, like violence or the threat of violence or the need for self-defense or just words. Depression makes someone sad and is related to an increased risk of suicide. My OCD makes me keep a log of everything that scares me and gather and keep things. That is not violence or a wish to be violent. To be declared mentally disabled about anxiety disorder, depression, and OCD, a person has to have severe symptoms. These defendants and others have caused it. They are making and keep making my conditions worse. If anything that caused fear in people were not allowed, newspapers, TV news shows, and internet news would not be allowed. People want to know. People are allowed to kill over their property. The law implicitly says someone can be so provoked that it can be legal to harm someone taking their Constitutional rights and freedom and freedoms and ability to defend oneself away which is illegal. I am sure the plaintiffs will say this is an illegal threat and illegal to say, but it is not. It is free speech and meant to cause discussion and debate, exactly what free speech is for. If I took away someone's Constitutional rights and freedom and freedoms and ability to protect himself or herself, I would expect them to want to harm me or kill me and do it or try.

The movie and book "A Time to Kill" raises the idea that maybe and probably there is a time to kill, even when there is not an imminent threat of being killed. "Sleepers" was a movie and book. The film and author said it was true. Four boys were sent to a detention center. They were raped and brutalized. Two grew up to be gangsters. Those two killed a guard who had harmed them. They went on trial and were acquitted. A priest lied for them. One of the boys became a lawyer and ADA. One became a reporter. All four wanted and got revenge. There were four guards who abused then. Something bad also happened to the other three. The boys reacted to what happened in different ways as they grew up and when they were adults. It shows some can harm or kill an abuser or innocent people and some react differently. They were all changed.

18. Psychological damage can be just as bad as physical damage or worse. Often, people will do anything to stop psychological pain like people will do anything to stop physical pain. I read about a case in NY where a guy rammed a guy into a wall with his car and killed the guy because the guy had raped his girlfriend. He was not charged. The defendants' illegal actions have caused me extreme mental and emotional distress that can easily lead to violence by a reasonable person. People often say they will kill anyone who abuses, molests, or hurts their child or others. Sometimes, it is not reasonable to not lose self control. Battered woman/person syndrome has led some to kill when abused over time. Battered wife/woman/person is a psychiatric diagnosis. Many governors have pardoned many battered women/people who were convicted of murder or other offenses. An RO is not going to stop

anyone intent on violence. That is often said. It might provoke or more likely provoke someone to do it. It is often said an RO is just a piece of paper. If the plaintiffs honestly think I want to physically harm them or kill them, even though I have said I don't intend that and have proven my words do not mean that, then they would have to worry for the rest of their lives I might do what they have falsely accused me of threatening.

19. McKenzie invited me to talk with him at court. We did. The judge allowed that. We talked and in a conference room behind a closed door. There was no armed deputy sheriff there. That showed McKenzie was not afraid of me. That showed the court did not think I was a threat to McKenzie. That showed the deputies did not think that. In courtroom, there are armed deputies that are making the implicit statement that they will shoot or kill or seriously harm me or anyone else if I or anyone tried any violence. One deputy was behind me and to my left and told me not to put my hands in my pocket. Yet, they left me and McKenzie alone. It turned out McKenzie's offer to talk was a trick. He shortened our talk because he said he could tell I was not comfortable. Of course I wasn't. I was much more uncomfortable in the courtroom. I was and am greatly uncomfortable about all this in this case and all my cases. In all of this, I have intended no crime or civil wrong and have not committed one. I have done none of the wrongs they have accused me of. They have done them to me.

20. According to witnesses, Russo was threatened by a temp employee at Sony. He said directly to her he was going to kill her. Russo can really provoke people. The threat did not change her behavior. She

was not out on stress leave or worker's comp or out at all that I saw and she did not seek an RO or arrest or try any legal action that I know of. I don't believe for a second she is afraid of me now. Another regular employee said "Let's get it on," meaning a physical fight because she thought Russo was threatening her. Those events show the hostile environment Russo caused and Sony allowed until she was fired or forced out. One Sony employee said she was "evil," like I have said. One called her a "piece of work." Those are quotes I can think of. I have been robbed two times: at gun point and also robbed with a screwdriver and told another had a gun. That in no way caused me the stress that these defendants and other defendants in my cases have caused. Being robbed stressed me some for a couple of hours. One was an annoyance because they stole my identity. The other got money from the place where I worked but not from me personally. According to information I have, Sony finally disciplined Russo, 4 years after I was gone, and then fired her or forced her out. Someone at a temp accounting agency said it was not a problem I had been fired by Russo. The person knew about her. Once, Russo was angry and showed her upper teeth at me. I say that was a threat to do harm. It was something about I told a workers" comp person, I think from Sony's WC carrier, I was willing to talk to her on my own time. I meant if I could not be on the clock. Russo knew about it and got angry and seemed irrational when I filled out my time card for a whole day. I said if I could not talk on the clock, that's fine. I got paid for the full day. Russo was well known as a liar, harasser, and bad manager at Sony. Some employees under Russo were willing to testify in court against her. That is incredible and incredibly

brave to testify against your supervisor in court. That is risking their jobs because Russo would lie and retaliate and harass to get them fired, like she did me. One employee said Russo asked her to let Russo know if I didn't give her check copies she was supposed to get. The employee said Russo was trying to "sabotage" me and said "I don't want to be a part of that." I told another employee Russo claimed I said I was frustrated at multi-tasking. Russo lied. I was an employee who never got behind because of anything under my control. The employee laughed and said, "I know you didn't say that." Before, that employee was looking over a job description I was thinking about applying to at Sony. A requirement was could multitask. The employee said, "You can definitely do that." Russo called me a "miracle worker" and said I had "magic fingers." An employee who had trained me, filled in for me when I was out, and had been at Sony 35 years wrote me a note that said she could not fill my shoes. Another employee said it was like I could "pull a rabbit out of a hat." I got fired.

21. McKenzie had a chance in federal court to file a motion to do this in my case v. Boren He chose not to. Defendants had a chance in v. Hilberman and/or v. Boren to try to stop me from trying citizen's arrest. They chose not to then. Res judicata and/or collateral estoppel prevent them from bringing it to this court or any other court or proceeding.

22. Anyone who buys a gun or gets a gun permit, at least to keep at home or with them, is saying they will shoot anyone in self-defense, defense of others, or defense of property. They are telling the sheriff's department that when they get a permit.

23. My words were what were necessary for my

safety and theirs. Their safety would only be in danger if and only if they tried unlawful violence on me or tried to unlawfully cause me serious harm or kill me; it would be their choice and only their choice. I wonder if I had said deadly force where I said kill, if that would have made them make their false accusations of threats.

24. I guess people can say be careful with my choice of words, but I did not make an illegal threat, did not intend to, and did not think someone would think it was. Saying a person is lucky is not a crime. Saying lucky as I did is like saying you better not walk down the street alone at night or someone might rob you, shoot you, mug you, hurt you, or saying don't go to an ATM at midnight. Police and others warn not to walk alone in dark places or at all in some places. People say don't honk your car horn at someone or the person might get violent and maybe shoot you. Those are all intended as helpful and beneficial, even with blunt words. Many people say they would kill anyone who harmed their child. I believe a jury would say that was reasonable behavior to threaten that. No one would be allowed to warn about terrorists, if laws were applied like the plaintiffs want. The army or other military could not warn their people about possible death or harm in hostile places. People are warned about dangerous driving. The news could not show or talk about anything with violence. They used to show Driver's Ed students films about car crashes; I don't know if they still do. Police say put your hands up or put your hands on the steering wheel or where I can see them; that is a threat of shooting or great bodily harm. We are all warned about death and harm and danger all the time on TV or other places. Parents

could not warn their children about possible harm. There could not be news warnings of a dangerous storm. I hear people say you're lucky that guy didn't punch you. I complained to the Fayetteville police that someone drove by me real close in a parking with plenty of room and I felt threatened and endangered. Then the driver got out of his car and walked toward me. I felt threatened. The police said I did not know what the guy was thinking. I reported my seat was pushed by a female out of anger. The police said if I was not hurt it was not a crime. I named the LAPD and LA County DA's office on v. Boren and v. Hilberman because they would not help me with similar crimes and some defendants.

25. My words were totally true and helpful and were saying be careful and not at all a threat. I have the right to talk about the damage the defendants have done to me and talk about my thoughts. I was speaking to the federal judge. My threat to/warning that I planned to try citizen's arrest was in the case v. Hilberman There was no problem or motion or RO about it then. US and CA judges were defendants. The US Attorney did not say it was wrong or try an RO. I wrote a letter to the USDOJ and said the same thing about defendants, and they did not say it was wrong. In that letter, I told them I would defend myself the way the law allows if a defendant tried to kill me or cause me serious harm and stated that was the only way I would kill someone.

26. The RO is threatening everyone to not try citizen's detainment or arrest. That promotes crime and violence. That is not a proper administration of justice. All my litigation related to employment is protected by EEOC related laws, such as ADA, ADEA, Title VII, and retaliation. If I am not allowed

to complain and file suit, then the guarantee of protection for filing a charge is gone. CA 391, LR 83-8, and the NC gatekeeper violate that.

27. It is totally contradictory to say it is best I was not at the TRO hearing on 12/19/13. First of all, I was told I could be there in a phone message from McKenzie. The judge said he entered the order ex parte and said "after Plaintiffs attempted notice to Defendant." The judge ordered me to appear at the RO hearing. Then, in violation of -, McKenzie said I will not answer my phone. He could not know. We talked behind a closed door, completely contradicting his claim he was afraid of me. He stated he thought it was best if the door were closed. He did not ask for a deputy to be present. Astonishingly, McKenzie told me in our private meeting that sometimes people shoot or use violence in a courtroom and it happens sometimes. I could take that as a threat someone or he might do that to me. That is the reasoning he used on me. My statements were saying that his and his co-defendants actions were so wrong, illegal, harmful, provoking, and inflammatory that it might cause someone to use violence, and they were lucky I was not one. He evidently wants to say my comments were illegal and put fear in the plaintiffs but his comments were fine. McKenzie referred to my mental condition, calling it illness, and evidently was saying that caused or help cause my comments. Using that reasoning, he must think his comments indicate he has mental illness. He didn't seem worried when he left the courthouse. He did not ask for an armed guard or escort out of the building or not that I saw or heard. I could have possibly had a gun in my car. His comment about there has been violence and shootings in courts indicates he thinks

guns can be snuck into a courthouse. He told me in the private meeting they intended me no wrong. That was a lie and ridiculous. They have and now are harming me mentally, physically, and by damage to my reputation. He told me they want me to or they wanted to get me some help. He said he could see our talk was bothering me. He told the judge something like we could not go on talking. I think he was trying to make me sound like my mental condition was a problem or threat. He said he had training in counseling. He was trying to act as a psychologist or psychiatrist. He was not one. I think it was a trick to tell the judge and act like I was mentally incompetent and unstable and a threat.

28. In the motion for TRO, McKenzie stated the plaintiffs "raised questions about my threats to make a citizens' arrest" in the case v. Boren. The federal judge did not state she agreed that he had a legitimate complaint. She did not comment. In his motion, he stated what he said I said was a "mere sampling." That was a lie and perjury. He seemed to state about everything.

29. They are chilling my right to speaking freely and legally. I am being told do not saying anything about death or killing in self-defense or anything with those or similar words in them. I have the right or should to ignore an illegal order or RO or TRO, but I won't.

30. No one has shown me what I said was illegal or why. No law or case was cited that showed that. None of the sheriff's deputies put me under. Deputies and police came to my house heavily armed and with protective gear. That is terrifying and threatening. They have not arrested me. They searched my house. I was not there. Someone else was who was

frightened. I was never shown a search warrant. It seems to be an illegal search. It was illegal taking of property when the deputy took my rifle. It violates the 4th Amendment. The search seems to also.

31. My words were not an illegal threat. NC GS 14-277.1(a)(1) states that it is a misdemeanor "if without lawful authority" a person "willfully threatens to physically injure the person..." I threatened to defend myself. I think it is more accurately stated that I warned I would defend myself legally. I had lawful authority to defend myself and make my statements. A law giving me and explicitly giving me the right is exactly lawful authority. The law allows me and anyone to defend ourselves from great physical harm or death by using force up to and including deadly force and force that is appropriate for the situation. NC and CA statutes and the 2nd Amendment allow a person to defend himself or herself. NC GS 14-51.3 states "a person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes the conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat in any place he or she has the lawful right to be if either of the following applies: (1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another. (2) Under the circumstances permitted pursuant to G.S. 14-51.2," which is about home, workplace, and motor vehicle. In State v. Roberson, a case McKenzie referred to in his complaint, the court spoke of a conditional threat, and the condition in that case was

one the defendant had no right to impose. McKenzie in bad faith did not state that defendant did not have the right to impose that statement. I had a right to impose mine. That court showed some threats and conditions are legal. I put only one condition on my threat/warning, if they tried to illegally kill me or cause me great harm.

32. CA has laws similar to NC's. CA Penal Code 197(1) states "Homicide is also justifiable when committed by any person in any of the following cases: When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person" and (4) states "When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace. CA has Cal Crim 505 and 506 about jury instructions state about defending oneself. CA Penal Code 422 (a) states "Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person..." I did not threaten to commit a crime. I did not threaten or do anything unlawful. NC has a citizen's detainment law, and CA has a citizen's arrest law.

33. Threats to commit an unlawful act of violence are threats not allowed under free speech. The United States Supreme Court has held that "[t]rue threats encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals," and are not subject to First Amendment protections. Virginia v. Black, 538 U.S. 343, 359 (2003). That court referred to other cases. My words were free

speech. I did not mean to or attempt that. They jumped to conclusions about any illegal threats, if they actually thought there were illegal threats.

34. NC courts do not have jurisdiction for CA laws or CA residents. In federal court, McKenzie claimed NC and NC federal court did not have jurisdiction for the plaintiffs. The federal court ruled it had jurisdiction over Sony. Now, McKenzie says NC court does. Sony and the law firm of Rosen and Saba are not people, so one cannot cause them bodily harm or use deadly force on them. Rosen and Saba LLP was not a defendant in any of my cases. My comments were not directed at McColgan or Schmid & Voiles. I did not want to attempt citizen's arrest on McColgan or anyone at Schmid & Voiles because they had not used CA 391 or Federal Local Rule 80-3 in CA on me. They had claimed that CA 391 was properly used on me. I only wanted those who had used 391 or 80-3 to be arrested.

35. My other comments like I will fight until the day I die were not threats. They were the opposite. I was saying I felt threatened by the plaintiffs in this current case, except McColgan and Schmid & Voiles, and by other defendants in my federal case v. Boren. I made statements of fact or opinion and did not threaten to do anything unlawful. I was showing the harm and seriousness of what they have done. I was not harassing or threatening to harass. My actions have been, and if any future actions, will be for legitimate reasons. I was not talking about physical fighting. There are many ways to fight, like in court. In my case v. Hilberman, I stated "I will keep trying to fight in courts until I get justice or until the day I die or am killed." That is the kind of fighting I was talking about. I said they would have to kill me but

didn't even say I would resist. Sony, Schmid & Voiles, and McColgan were in that case.

36. There was no innuendo. There was not an indirect or hidden meaning. There was nothing, including a threat, that was subtle or implied or implicit or insinuated or a hint. I was direct and straightforward. I did not mean to imply or insinuate anything. I did not intend any other meaning in my words than what I said or think anyone would think so. For there to be innuendo, there has to be an intent of innuendo by the speaker, even if the person the words are directed to or about thinks or says there is or says it is possible or probable. I did not intend any innuendo. All of my words were to the benefit of the plaintiffs; some were to the benefit of me and them, such as when I said I will exercise my right to defend myself to the best of my ability if they try to cause me great harm or try to kill me. I actually did not say that I would defend myself and would cause them great bodily harm or kill them if they tried it on me; my words meant I would try to the best of my ability. My saying they are lucky I have not shot them or they will be lucky, if they do the same things to others, and those others don't shoot them, was to say some people will and have shot others about these things, like Constitutional and other rights, and the defendants are lucky I have not been one. I have the right to make any lawful threat or warn that I will do something lawful. I have the right to say anything that is not an exception to free speech. Exceptions would be making a threat to do illegal violence or kill or to yell fire in a theater. I think most people would agree with my statements that the plaintiffs are complaining about. To imply means to purposely intend something

without explicitly saying it. I did not do that. I did not intend anything but literally what I explicitly said. It cannot be clear to anyone what is in my mind. People even say things they don't mean. It cannot be clear what someone really meant. The law on threats even allows jokes about threatening to kill someone if it's clear or convincing it was a joke. Definitions of imply state things like to suggest, to intend, or to hint at something not stated. The word "to" means to do an action. It does not mean that someone else does something, like perceive or believe or think something unstated is meant.

37. My statement was "This case will be my last attempt at resolving this in civil court, unless the case is dismissed without prejudice so that I can go to another court. If that does not happen, I will try citizen's arrest. If any of them try or lead me to believe they are trying to kill me or cause me great harm, then I have the right to defend myself up to and including killing them. I will exercise that right to the best of my ability. If anyone tries to stop me, they will be obstructing justice. I will try citizen's arrest on them." I was saying I would legally defend myself if they tried to cause me great harm or kill me. So, if they are afraid I will carry out those actions, that means they plan to illegally cause me great harm or kill me. That is implicitly stated and has to mean that and necessarily means that. That means they have threatened me with great harm or death. They made an illegal threat, and I did not. It seems dangerous or very dangerous to attempt citizen's arrest or detainment, especially when the person is not warned and is not expecting it. The federal judge did not comment on my statements this case is about. That indicates she thought they were

legal.

38. I had no criminal intent. I do not believe for a second the NC lawmakers meant a person can defend himself or herself with reasonable force up to and including deadly force but cannot say or warn they will, cannot threaten to, and cannot warn someone they will. That would violate free speech. I think lawmakers understood that by saying "without lawful authority." To not be allowed to say that would actually promote violence. I am trying to prevent violence and harm and show the harm of wrongful, illegal, provoking, inflammatory actions and words and fighting words. Their actions and words were all that and disorderly conduct; they were illegal. To not be allowed to warn would mean you must just shoot them and not warn you will if the other person attacks. The plaintiffs are saying we do not want you to warn us you will physically harm us or kill us in legal self-defense; we want you to just do it. Their behavior is and has been threatening. They have done so many illegal things that I would not put it past them to use illegal violence or have someone do it. They act like they are immune from the law.

39. I don't have and haven't had any desire to cause them any bodily harm or to kill them. I show that by my statement that I will fight until I get justice or until the day I die. To cause bodily harm or to kill them when not in self-defense would be revenge but not justice. I have no desire to spend the rest of my life in prison or worse. I don't want a criminal record of anything.

40. Black's law dictionary distinguishes between actually force and constructive force. Legal threats and warnings are constructive force. Legal threat

and warning makes it less likely of violence. I have lawful authority to defend myself from violence and to say I will. The two go together.

41. This action is malicious prosecution. I was reasonable. It is legal to be reasonable. My interpretation of the laws and the laws' words is reasonable and correct. This is not equal protection. Others have done what I did.

42. The Motion for a Temporary Restraining Order contains untrue statements. In no. 1, it is not true I filed anything frivolous. Not every case was dismissed on the merits. Also, on the merits is distinguishable from without merit. All my cases had merit. He offered no evidence or proof, and he can't. Even, defendant Rosen in my case v. Hilberman stated and admitted most of the issues were dismissed without prejudice. All my claims in all my cases had support. None or few of theirs did. They have put me in the point where I think I may have to die to get justice and due process. McKenzie claimed they were afraid of my statements. My case v. Boren was because of those claims about frivolous litigation and unlawful use of CA 391 and federal LR 80-3. If he and the other defendants were afraid, why on the face of this earth would he say things so false and inflammatory? In Virginia v. Black, The US Supreme Court stated "We have consequently held that fighting words–"those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction"–are generally proscribable under the First Amendment." Cohen v. California, 403 U.S. 15, 20 (1971). That is also disorderly conduct.

43. In 2, CA's unconstitutional 391 only applies to

CA state law. It is not true I must post a $10,000 bond before filing any other complaint related to my employment at Sony or litigation related to it. I could only be charged an amount determined by the court, if any, and, unbelievably, only if my case was ruled to have merit. In 3, he makes another inflammatory and false statement about me and frivolous litigation. He stated I promised to "defend myself up to and including killing" and quoted me and then stated "anybody who gets in the way of making a citizen's arrest" but did not quote me. He made the bad faith action of putting my words in his words and the way he wanted them to sound. In 5, I planned to defend myself from any attempt at physical harm to me. His statement is misleading. In 9, I only talked about killing in self-defense if they tried to kill me first. I defined my mental disability on page 3 of my complaint in my case v. Boren He decided to call it mental illness and not mental disability or mental condition. In 11, the definition of the word fight does not mean only a physical fight. I was not talking about I'll fight in a physical way. I meant in a proper and legal way, like court or going to the police. In 12, he omitted I said this would be my last case unless the case was dismissed without prejudice. The case is not over in federal district court yet, and I have a chance to appeal. In 15, he stated I "will not answer (my) phone." That is not true. I was not home. He knows he cannot know what he claimed. The police and/or deputy sheriffs can verify I was not at home. I was told they came looking for me twice when I was not at home, heavily armed at least one time. Some or someone came twice. I had two voice mail messages from McKenzie. One was at 10:50a that there was a hearing at about 12:15. That gave me 1

hour and 25 minutes to get prepared and get to court. I had another message at 12:23p that he called and said the hearing was in about 15 minutes. That would have given me a total of less than two hours to prepare and get to court since the first message or just 15 minutes. That was bad faith. He should have to show his evidence my lawsuits were frivolous and that I more times than not did not appear when instructed to. He offered no evidence. He should have to go through each case and prove his claims. He cannot. The plaintiffs have shown they will and are not afraid to commit perjury and attempt to and actually take my Constitutional and other legal rights. Perjury is in the Motion for a TRO. They have done it over and over, and I see no reason to think they will stop.

44. If they have fear about my statements, it is because of lawful statements I made because of their actions and words. I talked about trying arrest in my case v. Hilberman. There was no problem. Their complaints imply they would rather I just show up for citizen's arrest or detainment and shoot or hurt them in legal self-defense rather than warn or threaten I will. If they honestly believe they are doing right, and I don't believe for a second they do, they are not doing right; they are promoting violence and are in no way preventing any illegal violence or anything illegal. I said I will go to a hospital for help if I ever get to the point I would want to or plan to kill someone in an unlawful way. McKenzie pointed to my words. They have nothing to fear. I have no history of violence.

45. Saying lucky I haven't shot them or they would be lucky if they did that to someone else and that person did not shoot them is saying I had a thought.

Thoughts are not illegal. Saying lucky was a comment about human behavior and human psychology and that people can be pushed too far and lash out, and defend themselves with physical means and/or weapons. About everybody knows that; it is common knowledge. Most everybody can be pushed too far; it is often said. It's in the news. I don't believe for a second anyone believes I haven't been pushed too far. Saying lucky does not mean I thought about doing it, or want to, or will do it in the future, or that they deserve it. By saying lucky, I meant some people would have shot them, shot them by now, shot them long before, and they are lucky I am not one of them, and they are lucky they picked me to mess with. People can be pushed too far and lash out and defend themselves with physical means or weapons. About everybody knows that, and it is common knowledge. Most everybody can be pushed too far. It's often said. We see it on the news. I don't believe for a second anyone believes I haven't been pushed too far and that I have been remarkably restrained. About fighting, I stated what Americans do and believe in: fighting until they die over their freedom, freedoms, and Constitutional and other rights. Many have.

46. I read it is prohibited to threaten prosecution only if intended "primarily" to gain an advantage in a civil matter. I think that was from the NC Bar. I think the plaintiffs did that.

47. I refer to their complaint where my cases and events that led to the cases are discussed in the exhibit of my complaint in federal court. Three of my cases were dismissed because I would not pay $10,000. The plaintiffs stated how many cases I have. If the 391 law were followed, and the courts

said it was, two of the three, the second and third of the three, were dismissed because my case had merit. Money can only be charged if a case has merit. Actually all three involving 391were supposed to be based on merit.

48. I can show documents to show Russo treated me unfairly and illegally. Some issues were my word against Russo's. She was well known as a liar. Russo and Sony were never able to show any evidence that Russo was telling the truth when I said she was not. I applied checks to customers' accounts at Sony. Russo claimed I made 6 mistakes out of 34,000 attempts. That would mean I had a 99.98% rate of accuracy. How many can say that? I say it was 99.99%. How many can say that? Only one alleged mistake was definitely one. One definitely was not. Two were because a note telling me what to apply was wrong or misleading. One was because the invoice amount was wrong. One was because an invoice was not input but another had the same show/movie title. So, I was an employee who made 5 mistakes at most and never got behind due to anything under my control and was fired for alleged poor performance. That is ridiculous. Anyone would understand why I strongly disagreed and what I was fighting for. Russo wrote me up twice. The first one had no merit and was frivolous and contained lies and misleading statements and ridiculous accusations. The second one had about a letter I sent to a bank CEO about harassment. That is the only issue in that write up or at all at Sony that I was not sure I had the right to do. The rest of the second write up was false accusations or misleading statements like the first. The last issue was that Russo said I went too long to jury duty and did not

get permission to go that long. I told them I had jury duty. Russo made me postpone it once. The court gave me a new time. I told Russo. A judge put me on the jury. The judge tells me what to do and not Russo or Sony. They lied to the CA Labor Board and said jury duty was not an issue in my termination.

49. Let McKenzie state and show where he thought I was incomprehensible or rambling. About the Permanent RO.

50. The first paragraph stated there was a hearing for the complaint and TRO. The court said it was not a hearing on the complaint. His first sentence about that is false. McKenzie seems to understand I had the right to be notified of and attend the hearing on 12/19/13, because he said he tried to call me. Yet, then McKenzie got an ex parte hearing. 3, about no compelling reason why an RO should not issue, is an absolute lie as I proved in court and in this paper. Saying there is no compelling reason means there is a reason. I was not given a chance to give a written response. I had a response at the hearing and read from it. In 4, my Mossberg was not a shotgun but a rifle. There is a record of it. I have the receipt.

51. 5 is an absolute lie. I made no illegal threats of illegal harm. I made no innuendo. I clearly stated my points and intent. Tey stated my "innuendo or plain threats of physical harm." They say or and not and. That means they were saying they were not even sure which. There was no innuendo and no threat but to legally defend myself if and only if necessary. The law explicitly allows me to make citizen's arrest and detainment. I clearly did not violate any law. The US Constitution and law absolutely allow me to make my comments and to do the possible actions.

No NC law disallows or can disallow what the US Supreme Court has clearly ruled. To stop me would and does violate the US Constitution, federal law, NC law, CA law, and other laws in other states and would and does offend the proper administration of justice. The order promotes violence. My words did the exact opposite. 6, about the court has the power to restrain me, take my firearm, and protect the plaintiffs (the court would if I was an illegal danger to them) is an absolute lie and absolutely illegal for the same reasons as in 5. In 8 and 9, the only danger they would be in is if they illegally tried to kill me or cause me great harm or did cause me great harm. They illegally threatened to illegally do it. My legal threat and warning should only cause them any anxiety or stress if they planned to illegally kill me or seriously harm me, which they threatened to do. In 10, that is an absolute lie. I have suffered tremendous anxiety and stress and have suffered great damage to my reputation. As I have shown and proven beyond a doubt, the plaintiffs raised no questions of any substance for litigation or any relief. Instead, what they have done is show I have. They have maliciously prosecuted me and illegally threatened to kill me or cause me serious harm and in an illegal way. There are forums left for me besides attempting citizen's arrest, like appeals court, and a new case with different jurisdiction. Russo's has never had her part of a case dismissed with prejudice at all. In contradiction to 11, the plaintiffs showed absolutely no likelihood of success as I have explained in this paragraph. 13 is an absolute lie. I made no illegal threats and made no threats of illegal actions. As I have proven over and over, the plaintiffs were in no danger whatsoever of

harm by me if they did not try to illegally kill me or seriously harm me. 14 and 15 were wrong. The court does not have jurisdiction. For example, NC courts do not have jurisdiction over CA residents. The actual list of things I am restrained from is completely illegal to do. 5 and 6, about harassing, stalking, abuse, and injury, are required of everyone one. All but abuse have legal exceptions. I have not done anything wrong related to these, so it is illegal to say I need to be restrained by an order. The defendants have done all those. Anything they feel related to these things is completely because of and caused by their wrongful, intentional, and illegal actions. They have no legal right to complain about anything they cause. The doctrine of dirty hands is something that says that. Many say, if you do the action, you accept the consequences.

Other points.

52. The federal Judge did not say my words were a problem. A different ruling would disrespect her and federal court. Because McKenzie and the plaintiffs are trying to make in sound like I made illegal threats and implied threats and innuendo when there were none, they must want it to be true or want it to sound that way.

53. People say all the time I will fight this or fight until the day I die or they will have to kill me before I stop fighting or before a gang or someone runs me out of my neighborhood, etc., and nothing happened to them; there was no RO, arrest, trial, conviction, etc. Telling someone to leave you alone or risk incarceration or bodily injury is a warning." I gave the plaintiffs a reasonable option. As I read someone said about another person, "You gave the other person a reasonable option: If he tries to hurt you

then you will defend yourself. If he doesn't try to hurt you, then you have nothing to defend. There is no reason to attempt to cause him bodily harm."

54. Rosen, like McKenzie is lying , if he said he is afraid. I talked about they would have to kill me in the last case v. Hilberman. No court, judge, justice, US Supreme Court Justice, LAPD, CCPD, or CA DOJ officer, CA Atty Gen, US Attorney said I was wrong then. In court, that was or was like conceding I was right and could do that. In the case now in federal court in NC, only the CA judges, justices, and courts defendants, together in one paper, stated anything related to my words. They said I made potential death threats. That means they, including judges and justices, were saying I did not make death threats.

55. What the plaintiffs are doing are reasons people get a gun and shoot someone or mass kill and shoot and are willing to die or commit suicide over it. I would not do it. The plaintiffs are dangers to public safety. The 2nd Amendment means there are times when shooting and killing someone is necessary and justifiable. A state Supreme Court Justice in another state said "If one cannot threaten to use force, "restraint in the use of defensive violence is rewarded by criminal punishment."

56. In CA case People v. Gonzales, (1887) 71 Cal. 569, 577: "A man who expects to be attacked is not always compelled to employ all the means in his power to avert the necessity of [California] self-defense before he can exercise the right of self-defense. For one may know that if he travels along a certain highway he will be attacked by another with a deadly weapon, and be compelled in self-defense to kill his assailant, and yet he has the right to travel

that highway, and is not compelled to turn out of his way to avoid the expected unlawful attack."

57. If I could not make the statements, I would not have. I clearly could. I intended to protect myself. I was not intending to place them in fear of bodily injury or death but to prevent them and me from that.

58. In United States v. Bagdasarian, the Ninth Circuit wrote in dicta that, in light of Black, "[a] statement that the speaker does not intend as a threat is afforded constitutional protection and cannot be held criminal." 652 F.3d 1113, 1122 (9th Cir. 2011). I did not intentionally make a threat. I did not make a threat at all, and was also under duress and stress from the plaintiffs and others' words and actions.

59. From Virginia v. Black: "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." Brandenburg v. Ohio, 395 U.S. 444, 447 (1969) (per curiam). If the plaintiffs say I advocated that, the 1st Amendment would protect me.

60. In Watts v. United States, the US Supreme Court decided a man who threatened to kill the president, LBJ, was joking, and so that did not make it an illegal threat. It was free speech. There was not intent to do the action.

61. In a US Supreme Court case, Rogers v. United States 422 U.S. 35 (1975) talked about if there should be intent and not the recipient's interpretation or that a speaker could think it might

be interpreted as a threat. Justice Marshall's opinion stated "Both the legislative history and the purposes of the statute are inconsistent with the "objective" construction of 871 and suggest that a narrower view of the statute is proper." In referring to when the statute was made, he stated Rep. Volstead said "The word `willful' conveys, as ordinarily used, the idea of wrongful as well as intentional. That idea ought to be preserved so as not to make innocent acts punishable." The justice quoted Rep. Webb as saying "If you make it a mere technical offense, you do not give him much of a chance when he comes to answer before a court and jury. I do not think we ought to be too anxious to convict a man who does [422 U.S. 35, 46] a thing thoughtlessly. I think it ought to be a willful expression of an intent to carry out a threat against the Executive . . . ." The justice stated "The sponsors thus rather plainly intended the bill to require a showing that the defendant appreciated the threatening nature of his statement and intended at least to convey the impression that the threat was a serious one. The danger of making 871 a mere "technical offense" or making "innocent acts punishable" was clear to the sponsors of the Act; their concerns should continue to inform the application of the statute today." "I simply do not agree that the objective construction is the necessary or even the natural means of achieving that purpose." In essence, the objective interpretation embodies a negligence standard, charging the defendant with responsibility for the effect of his statements on his listeners." " We have long been reluctant to infer that a negligence standard was intended in criminal statutes, see Morissette v. United States, 342 U.S. 246 (1952); we should be

particularly wary of adopting such a standard for a statute that regulates pure speech. See Abrams v. United States, 250 U.S. 616, 626 -627 (1919)." "And that degree of deterrence [422 U.S. 35, 48] would have substantial costs in discouraging the "uninhibited, robust, and wide-open" debate that the First Amendment is intended to protect."

62. Police often say they plan to make an arrest, but I am being told I can't. Police all the time say they need the public's help. If someone were going to try citizen's arrest or detainment on me, I would want to know and be warned. I would assume and think it would be a given they would defend themselves if anyone attempted to illegally cause them great bodily harm or tried to kill them while trying the arrest or detainment. That is their right to defend themselves and is understandable. I would be okay if they said it. If afraid of citizen's arrest, why would the plaintiffs want their part of the case expedited in federal court? That would make citizen's arrest, if I tried, happen sooner. The judge did not expedite, that I can tell. That would likely mean she did not see an illegal threat. They say they feel threatened by my lucky comment. A more reasonable response would be saying, oh yeah, we better watch what we're doing and stop our illegal doings. I bet police, deputy sheriffs, and all law enforcement tell people all the time they better stop what they are doing or the person may try physically force on them or lash out.

63. I was found to have disability because of anxiety disorder, depression, and OCD. None of that is related to violence. They are trying to take and are taking my right to citizen's arrest and detainment. They have threatened me with harm or death by

them, with arrest, by police/deputies showing up in a really threatening way, with contempt of court, and taking away of Constitutional rights; all a threat of harm, physical and mental. My disability shows they have already done this. If I had anger and wondered or worried about it, then that is huge mental harm to me. Lying and perjury in court is contempt of court.

64. A deputy in court said take my hands out of my pockets or maybe don't put them in my pockets. I took that as a threat he would shoot me or cause me great bodily harm with physical force, like punching me, grabbing, restraining me, if I pulled out something that looked like a gun or other weapon. I am glad he warned me and threatened me. I did not realize I was doing something that looked suspicious or threatening. I pulled my hands out and then put them on the table.

65. A TRO can only be issued without others presence if it appears there would be immediate and irreparable harm to the applicant before the respondent could appear. McKenzie was not the applicant but their attorney. Deputies would not possibly or likely allow harm. They were watching me. I could not get a gun, knife, or other weapon in the courthouse; deputies at the courthouse entrances would have and did make sure of that. I did not know what McKenzie looked like. I had never met him. And then McKenzie wanted to talk to me in private. It's unbelievable and proves he lied about being afraid. I did nothing but proper behavior in court even though they were trampling on my Constitutional rights and other legal rights.

66. Saying lucky was not a threat and was not trying to get someone else to commit violence r kill someone. Saying I cannot say my words is like saying

no one, including law enforcement, can say if you keep abuse or molesting a child, abusing a wife, girlfriend, spouse, or anyone else, then someone might shoot you. This would mean that if someone grabbed me or anyone, we could not say get your hands off me. I bet these plaintiffs watch violence on the news and watch violent TV shows and movies all the time. I bet they wonder why people do violence. I gave an example about their behavior.

67. Saying they will be lucky if they do that to someone else, and they don't shoot them shows I am not threatening to do it. If I were threatening to do it or planning to, I would not have talked about someone else but talked about me. It probably would not have occurred to me to talk about someone else, if I were threatening or planning to do it in the future. I did not say they will be lucky if I don't shoot. I was talking about the past for me but the future if they did it to someone else. I did not say you will be lucky if I or someone else you did it to doesn't shoot you. They are claiming saying they are lucky I did not do something is the equivalent of saying I will in the future. That is not true. That is absurd. I clearly distinguished between the past, lucky I didn't, and future, if they do it to someone else they will be lucky if that someone else doesn't. They are claiming fighting means and only means physical fighting. It does not. They are saying one cannot ever say words like death, dying, kill, killing, shot, etc.; that is not true. Those words are not illegal threats by themselves and are not illegal to say. They could be in a certain context. Saying I will fight until I die means dying of natural causes or accident or murder or disease. It is not a threat in anyway. I was saying I think they might kill me or have someone do it.

68. In CA, a felon with a gun can defend himself or herself. That is in a case involving Rhodes. A felon has the right to defend himself anywhere. The right to defend is separate from the laws that say a felon cannot possess a firearm. If I disobeyed the RO and put them under citizen's arrest or detainment and they tried to kill me or cause me great harm, I could still legally defend myself. Cal Crim 3740 jury instruction says "He or she is entitled to stand his or her ground and defend himself or herself, and, if reasonably necessary, to pursue an assailant until the danger of death or great bodily injury has passed. This is so even if safety could have been achieved by retreating."

69. I was accused of a crime. I was falsely accused. I had no trial. I have a right to a trial by jury. They are circumventing due process. They are claiming I made an implicit illegal threat. I did not. That are claiming I implied an illegal threat. I did not .These people are saying they know what I meant and intended. They do not. They are accusing me of lying when I deny I made any threat. I did not. They defamed me. It was ruled I committed a crime. I should be provided a lawyer. People have got to be allowed to act normally in situations like mine where a lot of harm was done to me and I was greatly provoked. A person has a right to know what crime he or she is charged with and why. I do not.

70. It is proper justice and administration of justice to follow the US Constitution and the law. I did. They did not. I now cannot protect myself or my home or anyone. I cannot have a forearm.

71. The thought of needing to try citizen's arrest gave me a lot of anxiety and fear. I was afraid they might kill me or do me great harm. I was going to tell

the police I was going to do it so they could come there too if they wanted to; f they thought I couldn't, they could tell me why.

72. I couldn't get a job because of them. I haven't worked in over six years. I may never find a job again or be able to work again. And I am being told I am the bad guy. They are harassing and harassing someone with a disability. Anyone, like me, who has a lot of anxiety, depression, OCD, PTSD, and anger for many years, has suffered irreparable damage. They talked about damage to me as if it were supposed to matter but acted like it did not. People get angry because they fear harm and want to defend themselves.

73. GS 50C was violated and 50C-6 says: "Define the injury, state why it is irreparable and why the order was granted without notice." It is okay for the plaintiffs to cause me irreparable damage as shown by my mental disability. There is no reason to think they will stop. The only thing and only clear thing in my statements that threatened possible harm was that I would legally defend myself according to the law if they tried to cause me great harm or kill me and if they illegally tried to harm or kill me. If they did not do that, they would never be harmed. It was not a threat when I said they are lucky. I did not say I would do anything at all, explicitly or implicitly. It cannot be clear that I did say I would do something. I did not imply I would do anything. If they think it was implied, then that would show it was not clear. That was not a threat and it could not possibly be clear to anyone that it was. I even stated I would go to a hospital if my anger got to the point where I wanted to hurt someone; that makes it clear, absolutely clear, I did not threaten illegal harm and

only threatened/warned I would legally defend myself if they attacked me and illegally attacked me. Citizen's arrest or detainment would not irreparably harm them. I would just stand there until the police arrived. I would never touch them if they cooperated and did not do anything illegal to harm me, although I have the right to forcibly detain them or arrest them. I would follow the procedures the law allows. In CA, I can even take them to the police. I can even go into their homes if they committed a felony, just like the police. The plaintiffs would never get away with stopping the police from make an arrest or detaining them. Everybody knows the police will cause a person great harm or kill the person if the person tries to cause the police great bodily harm and kill them. That's why police carry guns and other weapons. I should not have to say I would try to defend myself up to and including killing them if they tried to greatly harm me or kill me. Everybody knows most people would. A known fact should not be wrong to state. The plaintiffs would be harmed if they went to jail or prison, and that would be their own doing.

74. I talked about trying citizens' arrest in v. Hilberman, the case before v. Boren, and it was not objected to. I would not take a gun at my first attempt at citizen's arrest or detainment. There would not be a next time if they cooperated and did not hurt me. McKenzie talked about killing and did not say I would only kill to legally defend myself. I think the court, the deputies in court, and anyone would.

75. Our military is fighting people who want to take our rights and freedoms away. They fight people like the plaintiffs and what they are doing to me. The

plaintiffs want me to be helpless and not able to defend or protect myself and take care of myself. They want to and have put terror in me. These plaintiffs do it a lot by making me feel I cannot protect and defend myself. Now, I am afraid to say anything to anybody who is harassing me or doing anything illegal to me. I am afraid to tell them to stop. I am afraid if I say that and sound angry, I'll be told I am illegally threatening or arrested and put in jail or prison. I am afraid to try to defend myself if physically attacked. I am terrified.

76. I should be allowed to state what they did to me, the result, and how I feel. That is what I did. I did not make any illegal threat. I made statements to prevent bodily harm.

77. I did not intend a threat when I said lucky or fighting. I did not mean an illegal threat when I said I would defend myself. When I said lucky, I was saying be careful what you say and do. That is good advice to anyone and especially someone who is breaking the law and harassing and abusing someone over and over. There was disbelief in my words, like I can't believe you keep doing this. A lot of people warn their friends not to provoke someone or the friend might get hurt or even killed, and they intend to be helpful. This case is absolutely terrifying. I know I did nothing illegal, but I am told I did by the courts as well as plaintiffs. This case is attempted murder. Stress kills. They are illegally stressing me. I am terrified of being arrested. I have not done anything wrong or illegal. If they fear arrest, then they should. They have done wrongs and committed crimes.

78. He talked about the number of times I used words. I was responding to their words about those

things. A word does not mean something different because it was repeated. The definition is the same. Repetition does not make a legal warning illegal. They have wanted their words in court papers not actionable but not mine. My words in court papers were privileged because they were true words and not illegal threats.

79. Sometimes the best and most helpful statements are warning something bad could happen if someone does something bad to someone or keeps doing it. That is often very good to say. A good and helpful statement is not only a statement that something good will happen.

80. McKenzie, in effect, said I am afraid this guy will try to kill me or cause me great bodily harm and I would like to talk to him in private about it. He showed they believed he TRO and RO were not needed. This is unbelievable and incredible. It contradicts that he believes I am a threat to harm him. The conference room we spoke in was outside of and away from the courtroom. A deputy unlocked the door and did not stay or ask McKenzie if McKenzie wanted him to stay. McKenzie did not ask him to. It would not have been private then. It indicated the deputy did not believe I was a threat to McKenzie. Deputies in the courtroom did not say they thought that would be dangerous. In our meeting, I was even by the door in the room where we met, and he was on the other side of a desk. I was not handcuffed and chained even though I was accused of and ruled to be a danger of killing or causing great harm to someone. McKenzie did not request it.

81. I would have never put it in court papers if I thought for a second it was illegal or even thought it might be illegal. No one or almost no one would do

that, and it shows no illegal intent. I am sure it was not illegal. They are saying, implicitly, I am so stupid I would make an illegal threat in court papers. That is defamation.

82. NC GS 14-394 says threatening writing, including anything which would bring a person into public contempt and disgrace if published is unlawful. The plaintiffs have done that. Cases are of public record and are sometimes in the newspaper. The words do not have to be actually published.

83. A lot of people these days are saying, if you want my guns, come take them from me. That sounds like a threat to hurt or kill, and it sounds like they think it would be proper to defend themselves because of the 2nd Amendment.

84. The defendants have committed perjury and taken, conspired, and solicited to take my Constitutional and other rights. They are habitual felons. Perjury is a felony, like threatening an officer of the court. Perjury is considered worse than threatening under 277-1, which is a misdemeanor. They are not afraid to commit these crimes and face prison or disbarment but say they are afraid of me. If officers of the court, like judges, justices, and attorneys have laws that protect them with stiffer penalties for offenders, then it seems when these officers commit crimes and civil wrongs in their capacities as officers of the court, then maybe they should have and get stiffer penalties than those for non-officers of the court.

85. Saying my papers rambled is untrue. That is like saying I communicated poorly. While I was at Sony, they said I communicated poorly. Trouble with communication is protected under ADA. I think people at Sony were saying I was the quiet type.

That violated ADA because my mental conditions made me that way. The plaintiffs are saying or implying a person with mental conditions (they say illness) that I have, anxiety, depression, and OCD, are a danger to them and society. That is not true at all. My lucky comment included they might be less lucky with others without anxiety and depression,. I asked the court in V. Hilberman how to do citizen's arrest. The judge said he could not advise me on that. That judge was the first of two. The second was corrupt.

86. I actually did not willfully threaten a legal threat or any threat. I only made a legal threat. I felt forced and coerced to make my legal threat/warning for fear of my life or great bodily harm. Disorderly conduct laws say a person can react to some words in a violent way. I read Astronaut Buzz Aldrin punched a guy for harassing and provoking him and saying there was no moon landing, and Aldrin was not arrested or charged, because he was provoked. A civil case was dismissed. There was no RO. The guy said he later sent Aldrin a letter of apology.

87. I threatened to do a lawful act to stop an unlawful act. It would not be proper justice if a person could defend himself with physical and deadly force appropriate for the situation but could not warn someone they would. I imagine a jury would rather someone warn someone they will legally defend themselves than just do it. No judge or justice in my cases has said citizen's arrest or detainment is not allowed. I made my threat/warning in an attempt to prevent them from killing me or seriously harming me. I was saying they would have to be the ones to do any unlawful violence; I would not. They should not be allowed to come to court and complain that what

they did was done back to them. They have dirty hands.

88. The message I am getting is I cannot legally defend myself if the defendants try illegal physical force or deadly force, and I must just let them do it. I am getting the message I cannot do legal citizen's arrest or detainment. Citizen's arrest is a way to deal with criminals in a non-violent way unless the arrestee or detainee tries illegal violence. Citizen's arrest and detainment are beneficial to all people. That is why they are there in the law. The defendants seem to be saying they would never try and have never done anything illegal to deserve citizen's arrest or any arrest. That is absolutely untrue. The only way I would use physical or deadly force would be if and only if they tried to illegally do that to me.

89. McKenzie seems to have just copied Rosen's claims about that I did not appear when instructed to and maybe about frivolousness. He would not be doing proper research and diligence required by federal and NC rule 11.

90. If they really thought I was illegally threatening them, they could have stopped what they were doing that made me mad and want to fight for justice, i.e. stop lying and committing perjury, stop trying to take away my Constitutional and other rights, admit what they did, admit Russo was a liar and lied about me and harassed me over and over and was disciplined and fired or forced out, admit they all lied about me and harassed me and many over and over, and make amends. The last thing I did that actually got me fired was go on jury duty in CA state court. They said I did not get permission from Sony and Russo to do that. Sony and Russo had no

authority. The judge decided what I had to do. If Russo had not harassed me and defamed me over and over, I don't think I would have ever written that letter to the bank CEO. I was tired of being treated so badly and wanted to stand up for myself. The supervisor above Russo said I had a good complaint, but I and did not follow procedure and should have gone to Sony treasury. I was never told that. Sony was not helping me stop Russo. I did not think they would help me with anyone else. All this started because Russo decided to make me look bad, harass me, and fire me or get me fired.

91. GS 277.1 says the person must believe the threat would be carried out. My legal threat would only be carried out if they illegally tried to kill me or cause me serious harm. I am surprised they think, if they do, that I would try citizen's arrest. I said I planned to do that in the v. Hilberman case I filed in 2007, my last case before the one now in federal court in NC v. Boren.

92. They could only conclude my threat/warning was not lawful authority if there was no right to legally defend oneself if someone illegally attempted to kill you or cause you great bodily harm. There is that right. I believe any reasonable person that someone tried citizen's arrest or detainment on would think they were being illegally attacked if they were not warned about it and did not expect it or know why, so they might try great physical harm or deadly force. That is why I wanted to warn them about the possible arrest or detainment and that I would legally defend myself. It is legal to defend oneself by causing great harm or using deadly force only if someone tried to illegally greatly harm or kill you. How could it be illegal to say one would do

exactly that? It should not be and is not. I thought they might try to illegally cause me great harm or kill me whether warned or not and especially if not warned. If everyone who would say and has said they will defend themselves from great harm or death were arrested or got an RO put on them, then jails and prisons would be packed and overcrowded much more than now. Most everyone would be in jail, prison, or have an RO, even those who sought the RO's.

93. They are trying to take my dignity. That is when people often react with physical force. My 2nd Amendment right was taken away to legally own a firearm for protection.

94. I do not think anyone has the right to say or require a citizen's arrest or detainment not be done if the conditions the law allows were met, unless the police were already there. I only warned I would and threatened to exercise a right. There is nothing wrong with that. I repeated what the law says. Some people put up signs on their property that they have guns. It implies they will use them on trespassers or burglars. I have not heard of anyone being arrested for that. CA law allows a person to go into someone's house to make a citizen's arrest for felonies, like police can. Anyone going into a house in that situation would highly likely think people in the house might use physical force or deadly force, thinking a burglar or murderer was attacking them, unless maybe they were warned of the arrest and that the arrester would defend themselves legally and appropriately to the situation.

95. A reasonable person would think my threat and warning would only be carried out if the people I warned illegally tried to cause me great harm or kill

me. A reasonable person would not attempt to illegally greatly harm or kill a person attempting a legal citizen's arrest or detainment. I don't think there would be any problem if a law enforcement officer made that threat and warning. That is especially true if the officer feared someone might intend them great harm or death if they attempted an arrest. I think the plaintiffs and others that I directed my legal threat/warning to needed to be told that.

96. The government and law enforcement sometimes warn of possible terrorist attacks or a killer is loose or a prisoner escaped or to watch for home invasion, and maybe death or serious injury is possible. TV news or special bulletins, newspapers, the internet tell of bad news or terrorism or other threats, People tell children or young women or girls or anyone to not get in a car with a stranger because they might get hurt, seriously hurt, killed ,or kidnapped. People tell their children all the time not to talk to a stranger and say something bad might happen or imply it and talk in a serious or stern voice that implies something bad could happen. People say don't go to an ATM at midnight or alone or something bad could happen. People tell others not to open their doors to stranger. These things are said all the time. Most people want to be warned of danger or if they are trespassing or worrying someone who thinks they are a threat. People report a suspicious person. People often warn others about the dangers of natural disasters.

97. There have been a lot of killings because someone got fired and shot the boss or whoever fired them or somebody ekse. Often or usually the person feels wrongly fired. I was saying the plaintiffs were

lucky I have not been one. People have shot for a lot less than what was done to me. I was saying plaintiffs and others were lucky I was not one who would shoot like that, even after being harassed, having my Constitutional and Civil and other rights taken away, having my job taken away, and now the chances of ever getting another job. There are riots because people do not like the way they have been treated. In an unfair settlement in 2002, Sony gave me $3,000 for psychological help. That indicates they knew they had psychologically harmed me. Psychological harm has a physical harm element to it. If the plaintiffs are afraid I will shoot them in the future that means they plan to kill me or cause me great bodily harm and do not plan to stop their harassing and taking away of my rights.

98. Courts are a place to go to settle disputes without violence. That is what I am trying to do. One CA state judge said he did not want to use CA 391 on a guy because judge did not know what the guy might do. That judge understood my point about lucky.

99. These people are so mean, vile, full of hate, and evil that I would not put anything past them. They have caused me great psychological harm. They might try physical harm on me or get someone to do it. I think they are trying to avoid arrest that they deserve. Saying I planned to try citizen's arrest was saying I planned to do it the right and legal way and not an illegal way and i.e. would not take the law into my own hands.

100. I saw a man on TV from the FBI say the best way to deal with threats is to try to help. The best way to help is for the plaintiffs to stop or for the courts to force them to stop.

101. Their words, lies, actions, perjury, and misleading statements can easily put a normal, reasonable person into fear, anger, and cause the person to use violence, just exactly like in the disorderly conduct laws. They expect me to just take it and not fight back even though I have made it clear I will not use any physical force or deadly force unless it's necessary to legally defend myself. These people have caused me great and irreparable psychological harm and the loss of hundreds of thousands in lost income.

102. Presidents, the army, Ft. Bragg, all our military, say they will defend and kill if our country is attacked. Almost everyone agrees that is good. They have an oath to defend and protect the country and the US Constitution. Judges, justices, and evidently lawyers have a duty to defend the US Constitution and laws.

103. Disorderly conduct laws say or imply it is not illegal to threaten someone if verbally or any way provoked. That can even mean it would not be illegal to physically hurt or kill. CA law says or it has been ruled to say something verbal can provoke someone to kill and can be a defense. I once read that in New York a guy rammed a guy into a wall with his car and killed him. He did it because the guy had raped his girlfriend. He was not charged.

104. The plaintiffs are disrespecting a federal judge's ruling and the judge, who ruled my cases were not frivolous or only for harassment. He said he believed that I believed I thought my cases were good. Sony even tricked him into mistakes. Then they tried it again about the same cases in CA court and later in federal court with more cases that also were not frivolous or harassing. The US Supreme

Court can declare a person a vexatious litigant for improper filings in their court. They did not do it to me. Sony tricked two judges, Hilberman and a federal judge into thinking I was trying to relitigate issues, although I stated different dates and events. They tried a third time, and the judge, a federal judge, said that was not true.

105. The courts and police have not arrested Russo and Rosen. I thought citizen's arrest would be good and appropriate, and it would. I felt and feel in extreme danger of losing my rights (and have) and suffering great psychological and financial harm (and have) and more of that. There was a lot of harm and irreparable harm if I did not get them under citizen's arrest or police arrest. I would not get my rights protected. I would not get justice.

106. My first case with Sony that the court claimed was on merit and on the merits and dismissed with prejudice was the case v. Hilberman. Judge Wright was wrong and corrupt and incompetent and lied and did not determine my case had no merit.

107. While I was at Sony, two employees under Russo said they had found hiding places. Because Russo had harassed me and lied about me over and over, they were afraid I might get so provoked and angry that I might get a gun and come shoot Russo or maybe others. They were saying exactly what I meant about my lucky comment: sometimes people can get so provoked that they might do violence. No one got an RO on me. All employees under Russo said she was a liar and harasser.

108. By my threat/warning that I would defend myself, I was stating exactly what the law states I could do. How can that be wrong? It can't. It would

mean the written law was an illegal threat and the lawmakers who wrote it were making an illegal threat. They weren't. I have a reasonable and very good belief that my comments were necessary to defend myself from death or great harm or possible death or great harm. I hear some judges keep a gun under their desk. They know people can be provoked to violence. My lucky comment was stating exactly what the NC and other disorderly conduct laws state.

109. I have never and will never assault, stalk, harass, abuse, or injure, unless I might injure in legal self-defense. If the court does not have the plaintiffs arrested or put an RO on them, then that is not proper administration of justice. Legal citizen's arrest or detainment is not harassing or wrong in any way. They are for legitimate reasons. I would have to learn to and be ready to lawfully defend and protect myself because the police and DA's office will not. Saying my comments were threats of violence is misleading because I only threatened to act in lawful self-defense. The word violence makes it sound like wrong and unreasonable physical force.

110. People can defend themselves or attack verbally with force. The meaning of words or tone or posture or gesture can be an attempt to use force, i.e. to force someone to do something. People can get into a fighting stance or posture to threaten to defend themselves or show a gun or other weapon to threaten self-defense. That is really more of a threat than saying they will defend themselves. People might stare. The law allows reasonable force. A verbal warning is an attempt at reasonable force of persuasion. An assault and battery can be allowed if someone is provoked, so why would not a warning of self-defense? Causing fear, e.g. like an assault, is not

wrong if the person is illegally threatened first and trying to legally defend himself or herself. If one is not allowed to defend oneself physically and verbally, it is contrary to public morals. People are always saying they were forced to do something, like their boss forced them to do something. Saying forced me is like saying made me. Saying force is like saying compel.

111. I actually didn't tell them anything they did not already know or should know. They act like they are surprised. They know people will defend themselves and people can be provoked into shooting. They knew I planned to keep fighting, which was in the last two cases, v. Hilberman and v. Boren, so they should not have been surprised I again said I would keep fighting. There was no illegal threat by me. They are lying or trying to read something into this. I think they are lying.

112. I stated they are lucky I haven't... That is about the past. It was not a threat, and, anyway, one cannot threaten to do something in the past. I did not say lucky if I don't or will not. I stated they will be lucky if others...; that is about the future. If I meant it as a threat, I would have highly likely talked about me in the future. One can only threaten to do something in the future or maybe present. It can be right away or in a long time.

113. I did not illegally threaten them. I did not willfully threaten anything illegal; that is required in 277.1. If the plaintiffs or court actually believes I made an illegal threat, I did not believe it, so I could not have willfully made an illegal threat. I did not even think and it did not occur to me they would think I made an illegal threat. My threats were to attempt citizen's arrest or detainment, both legal,

legally defend myself and to keep fighting in legal ways, i.e. in court or by contacting law enforcement. My lucky comment was not a threat and not intended as one. So, it could not have been a willful threat, and it was not. I did not think the defendants would think it was an illegal because it was not a threat. I made no illegal threat and did no unlawful conduct, so it could not be found that the victim has suffered unlawful conduct committed by me. I did not do anything illegal, including stalking and harassing. I had legitimate reasons for going to court and making my statements. My statements were legal and free speech. They were intended to be helpful and explain and warn. I thought my words and actions were legal, and they are. Except for my complaint in v. Boren, my comments were in response to their comments and to explain my comments and intentions. I would never state anything illegal in a court paper, of all places, if I thought it was or might be illegal. I have not done it. The conduct I am accused if is a crime and a civil wrong. Nobody would do that in a court paper or do that at all or it is highly unlikely anybody would or they would be asking for arrest.

114. About the TRO, it did not clearly appear from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim before the respondent can be heard in opposition. I did not do or threaten anything illegal. McKenzie was already at the courthouse. For me to do anything illegal to the other plaintiffs that he falsely accused me of threatening or doing, I would have had to go to CA. it would have taken me much longer to get to CA than to get to the TRO hearing. He did not certify to the court in writing the

reasons supporting the claim that notice should not be required, because there were no reasons. He did not certify to the court that there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given any prior notice of the complainant's efforts to obtain judicial relief. I was given prior notice. I could not do the false accusation that I would harm because the defendants were in CA. McKenzie was in the courthouse.

115. Not liking what was said does not make what was said illegal. Only an illegal threat would not be free speech. Preventing what I said is unconstitutional. A person should be encouraged to try verbal resolution instead of just using force to defend instead of warning. Many people say don't just use force and to talk first, if possible and instead. That is what I was saying about defending myself if they did illegal violence. I was saying don't do illegal violence on me.

116. I want to say it over and over again: if you abuse someone terribly over and over again or at all, they may eventually react with physical fighting or deadly force. I want to say over and over again: do not abuse someone. Sometimes, an abused person may take it out on someone besides the abuser. All this needs to be discussed.

117. Use of force is a threat to do more. So, legally defending oneself with force would be illegal according to the plaintiffs. That would also mean a person could not show a gun if attacked or threatened with attack. Police do it all the time.

118. If 277.1 did not mean, and it does, a threat to legally defend oneself is legal, then the law is unconstitutional because it would prohibit free

speech and would be ambiguous, vague, and open to interpretation and opinion about what it means. A typical and reasonable person would likely believe a law to use force to defend oneself would mean threatening and warning of that use would be lawful, and that law would be lawful authority to make the threat and warning. A typical and reasonable person probably would not understand 277.1 meant, if it did, and it doesn't, they could not threaten to do a legal act of physical force or deadly force. My interpretation of 277.1 is reasonable, and it is right. It is reasonable for me to think I might be physically attacked if I tried legal citizen's arrest or detainment. A possible attack is why I wanted to make the warning of self-defense. I was acting as a reasonable person, being prudent and careful.

119. In CA, one has the right to resist unlawful procedure and excessive force. If one has done no wrong, any force is unnecessary and excessive; that force might be used by mistake, so that can be considered a defense or may be one. In CA, anyone can make an arrest just like the police can. A person in NC and CA can stand his or her ground. I made the warning because I wanted to avoid a situation like that where I could stand my ground.

120. I know I am right about this, but I am terrified. I was scared or terrified in all my cases. I am afraid to go out in public and drive because of the actions of the plaintiffs and other defendants in my cases. I cannot live a normal life. That and my anxiety disorder, depression, and OCD do not mean I am a violent killer.

121. Saying a person cannot threaten or warn of legal self-defense is saying a person's life is meaningless. If you cannot try to avoid violence by

warning you will defend yourself, you must just put yourself in that dangerous situation that is unexpected by the other person and the other person does not know what you are doing or why. A police officer would not be allowed to pull out a gun and point but must only pull a gun out and shoot.

122. Laws that allow use of force probably mean any force, like verbal force, or would state only physical force and not just force. Force can mean verbal force.

123. It may seem like the TRO and RO are protecting the plaintiffs. This is not true because they were never in danger of illegal violence. This is taking away my protection and right to protect and defend myself.

124. Just a look or tone of voice or just looking or honking a horn could be considered a threat and illegal and just being big could be considered a threat and illegal, using their reasoning. It means parents cannot threaten to spank their children but can just start spanking and not explain why they are going to do it. I have been threatened with jail or prison. Jail and prison are dangerous where someone can get hurt or killed. Their reasoning would say the threat of jail or prison is illegal. It should be illegal to threaten psychological harm for no legal reason; they have done that. They are also threatening to harm and are harming my reputation and financial situation, and I might lose my home when everything I did was legal and for good and legitimate reasons. A person can legally defend their property with appropriate force. I consider my reputation my property. If it's mine, it must be my body or my property.

125. They want to get away with their crimes and

civil wrongs without any consequences. They are acting like they are above the law and deserve protection from a legal threat/warning, but I don't deserve protection from their illegal threats, other crimes, and civil wrongdoing. Their getting that is not equal protection guaranteed by the 14th Amendment. The federal judge did not say anything was illegal about my words. A judge can order people to do or refrain from something on her or his own without a request from a litigant.

126. I did not say the plaintiffs deserve to be killed. People sometimes say a murderer or child killer or child sexual abuser deserves to die, and that is okay. Some say they would do it if they had the chance.

127. Even if someone thinks I meant a threat, they are not explicit or literal illegal threats or implicit illegal threats. They would have to think it was implied. I did not imply it. No matter what someone thinks or claims about my words and what they meant, there is enough evidence to cast doubt that I made an illegal threat. There is not evidence of guilt beyond a reasonable doubt. My words were greatly exaggerated into something they weren't.

128. It will never, ever do wrong intentionally or illegally harass or be fight to get my Constitutional, Civil, and other rights back. I can and have proven over and over again those rights were taken from me. I have never gotten a full and fair chance at litigation, except maybe the first case that was settled. Sony did wrong in that but not the court.

129. To get a TRO without a hearing and the respondent there, there must be immediate injury, loss, or damage that will result. That means right now. My legal threat to try citizen's arrest or

detainment and legally defend myself if illegally attacked was for some vague and undetermined time in the future; it was not immediate. I never threatened to do anything immediately. The RO and attempt were unjust and unnecessary. Some people think of imminent as definitely coming and could be now or not known when. I thought that but laws say differently.

130. If by keep fighting I meant to threaten to cause great harm or kill them, which I didn't, I highly likely would not have keep fighting because that means continual fighting. To cause them great harm or especially, to kill them, would take one time. I think they have shown they are doing this to try to get me to stop any legitimate litigation. They show that with the gatekeeper attempt and talk and lies and false claims about my litigation and about not responding or attending required hearings. No one who honestly believes they have a legitimate complaint would need to lie.

131. About my lucky comment, I was saying I was being a typical and reasonable person. I was saying a typical and reasonable person would be very angry if the plaintiffs did to them what the plaintiffs did to me. Some may have even shot them, and I believe that.

132. If a court told me I did not have the right to try citizen's arrest or detainment, I would not do it. The law clearly allows it for the crimes the plaintiffs have committed. The plaintiffs are trying to stop me from attempting it or doing it, not because they stated it is illegal for anyone, but because of their false accusation that I illegally threatened them with great harm or death.

133. What McKenzie should have said was that

there were so many wrongs by so many people that all these cases were needed and necessary for justice and were made according to the law. He should have said it is amazing all the wrongs so many people have done. Russo and Rosen are true psychopaths and sociopaths. They have no conscience. They are a danger to anyone. They will do anything they want if they think they can get away with. They know right from wrong and don't care. I would be very afraid of these people if I tried citizen's arrest.

134. Any threat of psychological harm, like the plaintiffs are doing, is a threat of physical harm, great harm, or death. Stress, anxiety, depression and PTSD can all kill or shorten a person's life. They all cause physical harm. They cause heart attacks. They can lead to suicide. Depression, especially severe like mine, usually is a sign of possible suicide. I count the days I have remaining if I live to an average life time. I look forward to getting out of this life but not by being killed.

135. The Fayetteville PD, LAPD, LA County DA's office did not do anything when I complained to them about threats and assaults. Police or anyone would not be able to say don't come any closer, according to McKenzie. The deputy who served me said "stand there" and pointed. I felt threatened. He had a gun. Anyone would think a deputy saying that was threatening physical harm or to shoot you if you did not comply and resisted. The police searched my house. That was a threat to damage property. If police just show up, that could cause someone to panic and shoot or try other physical force. Someone said he called the Fayetteville police because he heard shooting and said he was about ready to shoot, and someone there said "We like to shoot, too." I only

wanted to try citizen's arrest if the police or other law enforcement would not. I have had trouble getting them to help me.

136. Now, I guess should just not warn about doing anything legal and just do it. That does not always seem like a good idea.

137. Anyone insulting, defaming, lying, committing perjury, etc. is really threatening to or implying a threat to physically fight. They are implicitly or at least implying they agree to a physical fight. They are trying to pick a fight.

138. One cannot bodily harm a company or law firm but only people there or from there. It does not make sense to name Sony and Rosen & Saba LLP named as plaintiffs. The law is talking about people when it prohibits threatening to illegally cause bodily harm or death. It is not referring to a company or building.

139. McKenzie said if he stated something not true, he did not mean to. I don't believe that for a second. I think he lied and did not do reasonable and diligent research before he stated many things, like the false accusations of illegal threats, frivolous lawsuits, and not appearing in court when required. Truth in courts is very important and required for the courts to work and for justice. If they were afraid, they would not have done this the way they have. He tried to get out of Rule 11and perjury by saying anything incorrect that he said was unintentional.

140. A threat is saying one will do something and not lucky haven't done something. A person saying he or she might do something means it is not imminent or definitely coming. Anyone would be crazy to make an illegal threat in a court paper. The plaintiffs' saying mental illness is more like saying

crazy. I have never been diagnosed with being crazy. I do not want to start or instigate anything illegal or anything at all. I just want to be able to legally defend myself. There is no way to reasonably think saying someone else might shoot you means I am threatening to shoot you. I did not speak of myself, I spoke of everyone but me.

141. The plaintiffs never, ever state they will not try physical or deadly force or illegal physical or deadly force on me. I cannot imagine anyone would say or think they could not use deadly force if that was attempted on them first. I do not think anyone would not want to or would not attempt to defend themselves as best as they could. I think any typical and reasonable person would think threats cannot be made to do harm for no reason but could to defend oneself.

142. If I had said because of the illegal and terrible things they do they are lucky somebody or anybody has not shot them, maybe they or the court would not think or claim it was a threat by me to illegally shoot them. Saying somebody or anybody would mean all people and not just me. I would not illegally shoot anyone. I did not even have a handgun when the police took my rifle. Many people think the 2nd Amendment means and intends that one can shoot to protect their Constitutional rights from anyone taking them, including the government. Taking someone's Constitutional, Civil, and other rights is very, very serious.

143. If my speech, which is free speech, causes them fear and anxiety, it should not, and it's an overreaction if it does, because if they do not illegally try to harm me or kill me, then I will not defend myself and would have nothing to defend.

144. The false and malicious claims that I filed frivolous lawsuits and failed to appear in court when ordered were not relevant to if I made a threat or not. It was dishonest to try to make me look bad and like I have a history of wrongdoing and illegal acts. I can prove and have proved those accusations are false. That claim and many other things they have made show and will prove, if the evidence is looked at, that their actions would make anyone mad and want to fight it. I think they don't like someone who will stand up for what's right and fight their wrongs and crimes.

145. In CA, one person, who had filed 40+ cases, was taken off the 391 list because he showed his cases had merit. I want that same treatment. I want equal protection. I have shown my cases had merit over and over. One litigant had filed 90+ cases under the ADA. It was about access to businesses for physically disabled people. Defendants or their lawyers tried to have him declared a vexatious litigant in federal court. The attempt was denied because the judge said he showed evidence and proved his cases had merit. Another person filed almost 200 cases under ADA. He was declared a vexatious litigant because the judge ruled he was claiming the same types of injuries were occurring at different restaurants or other places. He appealed and the appeals court agreed with the lower court and agreed en banc, but some of the en banc judges voted against declaring him a vexatious litigant; I think it was about 1/3, including the presiding justice of the 9th Circuit. I read a Los Angeles Times article about a person who had sued around 100 times about access to buses or other places. He had not been declared a vexatious litigant. Erin Brockavich filed

and had dismissed several cases and was not declared a vexatious litigant. She filed for others, but the courts ruled she could not because she had not been harmed. One person filed over 200 cases and was not declared a vexatious litigant because he had won or settled the cases. One lawyer had filed about 80 cases in pro se and had not been declared a vexatious litigant; one case was he did not like his dinner at a restaurant. There was the case where an administrative judge in Washington, DC sued for about 50 something or 60 something million dollars because his pants were lost at a dry cleaners and satisfaction was guaranteed. I think he got a trial by a judge and lost. He also appealed and lost. D.C. has a consumer protection law, which fines violators $1,500 per violation per day, which the pro se judge used.

146. The plaintiffs and McKenzie are attempting to wrongly intimidate me. Being provoked can be a defense or exception to an illegal threat. I made no illegal threat. They have provoked me over and over with their illegal actions and the damage they have caused to me. I have tried for the last 5 ½ years to get psychological help with talk therapy and medication, but it's not working. The medications have bad side effects for me.

147. This reply is long. If my papers are short, they say the papers don't give enough information, like they want everything that was done and said written down. If it is long, they claim the paper is too long and rambling and incoherent. They have never been rambling and incoherent. They never showed where I rambled or where the paper was incoherent. I put down all I wanted to plus what I thought the courts wanted and what others needed or said they

needed. They say I ramble and am incoherent, yet claim they know what I am thinking and that I make it clear I am threatening an illegal act. I was not.

148. They are actually claiming I had illegal thoughts. No thoughts are illegal. So, they must think my thoughts are illegal or they are lying. My thoughts are to do nothing illegal or wrong. If someone says or think fighting this is wrong or not good, I will listen. I want this all to be over.

149. I thought about not showing up to the hearing for the RO because I was afraid of being arrested or sent to jail or prison after the TRO. McKenzie told me he was in Fayetteville in his first call. I am guessing he was in the courthouse. He was safe there, if I tended harm; I did not. If he was not at the courthouse and was actually afraid of me, why would he give me a chance to possibly wait for him before he got into the courthouse? Why would he not call me from the courthouse? I don't buy he was afraid of me.

150. Their lying and perjury means I never got a full and fair attempt at litigation. The only time I did not appear in court when I reasonably could have was when Judge Lefkowitz was going to rule on using CA 391 on me. I was afraid of her because she became angry and seemed emotionally unstable when I was making points. She could not really answer my questions and said she did not want to talk about it anymore. That meant she did not want to give me due process.

151. I said I would defend myself legally to the best of my ability if they illegally tried to cause me great physical harm or death. A reasonable person would not attempt illegal harm or death. A reasonable person knows that anyone or almost

anyone would try to defend themselves if they were illegally and physically attacked by someone who intended great harm or death. The plaintiffs are not acting reasonably. A reasonable person would not make illegal threats in court papers, and most unreasonable people would not. I made the threat/warning of citizen's arrest in the 2007 case v. Hilberman and did not carry it out. I asked the US Supreme Court what the procedures were for citizen's arrest. I wanted to do it right and legally. If a police officer threatened to legally arrest the plaintiffs, I doubt if they would seek an RO.

152. Saying lucky was not an attempt to get anybody to harm or kill them. When I said lucky, I meant I did not want to do that. That meant I did not intend to. I imagine people have said someone is lucky the person didn't shoot them, about people who have hurt their child, spouse, any family member, relative or friend or sometimes a stranger. By lucky, I meant they are lucky I or someone else has not fought for the US Constitution and their rights under it with shooting. If that is illegal to say, it is saying one cannot fight for the US Constitution. It's saying all wars the US has been in have been illegal. It is saying the 2nd Amendment is illegal. The 2nd Amendment gives people the right to protect themselves and that means protecting and defending the US Constitution. My lucky comments were clearly talking about Sony. Russo is the only Sony employee that is a plaintiff.

153.When I was fired at Sony, I was told a security guard was there to watch me as I got my things and left. That shows that people at Sony knew that what they did to me could cause someone to get violent. Russo's office was close to and next to my

cubicle and across an aisle. They were saying and agreeing with me that someone treated the way they treated me might shoot someone who did that. They were saying they would be lucky if I did not become violent. I say that treating someone like they treated me was accepting the risk and threat and agreeing to the risk that someone may become violent, like disorderly conduct laws imply. Two times, they asked me to talk to a consultant. For one thing, he was trying to assess if I might become violent. He asked me questions like did I have a gun. Sony did that because they knew that someone they treated that way might become violent. They were saying what I said. The plaintiffs are saying that whoever says you are lucky I have not done something means I am going to do that something. That is absurd. They are arguing that, if I say they are lucky I have not shot them, then I will do it. The worst they can think or reason is that my comment means they do not know if I will do the act. I made it clear I will not by saying "I do not want to do that" and that "if I ever get to the point I want to shoot anyone, then I will go to a hospital psychiatric unit or emergency room for help and to check in."

154. If anyone honestly believed there were illegal threats or threats to do illegal harm in my words, then my words in this paper and at the RO hearing show that they are wrong. I don't believe anyone honestly thinks that. They said illegal threats and acts and not one. They complain about my saying I will fight, and yet use fighting words.

155. I said I would try citizen's arrest or detainment. That shows I am not planning and not threatening to do illegal violence or anything illegal. I said I would keep trying citizen's arrest or

detainment and courts. That proves I am not planning to and not threatening to ever use illegal violence or do anything illegal. They are claiming I am lying and claim they know what I am thinking. They are claiming they know I am thinking and intending something my words don't say.

156. I stated in my case v. Hilberman and maybe other places that being called a vexatious litigant might cause me to not get fair treatment if I were arrested or accused of a crime. This is exactly what has happened in this case. A corrupt and lying lawyer got me convicted of crimes I had not committed and got me punished. I never got a warning or told it was wrong by a judge, justice, police officer, deputy, FBI agent, or other law enforcement officer until this TRO and RO.

157. I imagine fathers have threatened to shoot someone who abused their child or teenage daughter. I personally know of people who say that happened. I have heard of fathers who beat up a guy or boyfriend who did something bad to his daughter or said they won't go to the police but will take care of it themselves. I imagine a lot of fathers say you better not hurt my daughter or to stay away from my daughter. If guys or anyone did those things to a child or daughter or son, they would be lucky if a father did not shoot them. Probably nobody would blame those fathers. Mothers or brothers or sisters might do the same.

158. I am trying to assure them I will do no violence. Lucky is a statement about human behavior, human psychology, and our culture. No one, at least reasonable, would say it definitely means a threat. If someone thought a threat might be in it, they would think other was in it, like a

comment about humans and how they might react in certain situations. A reasonable person would not think it could only be a threat. In the context, I cleared up any idea there was possibly a threat when I said I will go to a hospital if I ever want to shoot someone and in my letter to the USDOJ. No reasonable person would think I would shoot them, unless in legal self-defense, when I say my words. Saying cleverly couched means they think my intent is important and not just what they think is true or might be true. I intended no threat. There is great value in what I said about being lucky. I was informing, warning, and trying to get them to think about the possible consequences of what they were doing and how some people might react. I am saying exactly what disorderly conduct laws say. A reasonable person would think my lucky comment is good for discussion, like what people do or might do or not do and why and when. It benefits all and helps with safety for all.

159. A person cannot be expected to understand and follow a law if the words of the law do not have their usual meaning. A law's words are supposed to have their usual meanings unless defined in the law or maybe a context makes it clear there is a meaning different from usual. They are claiming that is not true.

160. Free speech gives me the lawful authority for all I said because what I said has value. It can lead to thinking about what one should do or not do and say and what people might think about and react to what they say and do. Saying I am going to kill you has no value. Saying someone might harm you, if you do a certain action or say certain words, clearly has value. It can protect someone if they heed the advice.

Maybe, the person did not realize their behavior was wrong or provoking. They might consider stopping their provoking or illegal or bad behavior. Disorderly conduct laws have a message and require one to not do something to provoke others. That law is saying a person would be lucky if a person did not shoot them if they provoked the person in such a bad way. It does not make sense to be illegal and it is not illegal to state a law or what it says and means or to refer to the law. People say all the time, if you did to someone else what you did to me, you would be lucky if they did not hurt you. A reasonable person says things and does not realize they might be taken the wrong way. A reasonable person should and could take my words as not an illegal threat and not a true threat.

161. I know I am right and acting legally and properly according to the law and according to morality and ethics.

162. This attempt for a restraining order and the case should be dismissed. I ask for that. McKenzie is not listed as a plaintiff in any of the papers he filed. If the courts or police, deputy sheriffs, FBI, or any law enforcement, say I cannot do something, then I will not do it. I might fight it in court if I can see the law says I can do. I ask that this case, RO, and TRO be expunged or my name taken out or blackened out.
Sincerely,
Glenn Henderson

NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
CUMBERLAND COUNTY SUPERIOR COURT
DIVISION 13 CVS 9617

FILED

2013 DEC 12 PM 1:02
CUMBERLAND COUNTY, C.S.C.

SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA, LLP, JAMES ROSEN, ESQ., and ADELEA CARRASCO, ESQ.
Plaintiffs

v.

GLENN HENDERSON
Defendant

THIS CAUSE having come on for hearing upon Plaintiffs' Complaint and Motion for a Temporary Restraining Order, the Court hereby makes the following findings of fact ad conclusions of law:

1. Plaintiffs Sony Pictures Entertainment Inc., Kim Russo, Schmid & Voiles, Kathleen McColgan, Rosen & Saba LLP, James Rosen, and Adela Carassco will sustain irreparable harm if as a proximate result of the Defendant's threatened actions.

2. Defendant's threats alone have caused and will continue to cause the Plaintiffs irreparable anxiety and stress for which money damages would be an inadequate compensation. Defendant's contemplated and threatened actions, if carried out, would most certainly irreparably harm Plaintiffs.

3. Defendant would suffer only slight, if any, damages as a result of the injunctive relief requested by Plaintiffs.

4. Plaintiffs have raised questions that are so substantial as to make them fair grounds for litigation for appropriate relief in this Court.

5. Plaintiffs have demonstrated a likelihood of success on the merits of their claims.

6. Plaintiffs, through their Complaint and Motion for a Temporary Restraining Order, have demonstrated

a significant risk of ongoing and imminent harm, constituting immediate and irreparable injury and loss. Additionally, the Court takes judicial notice of Defendant's threats and/or innuendo of harassment or violence that are contained in his filings offered to the Court and the Eastern District of North Carolina. The Court finds that this conduct violates North Carolina law and offends the proper administration of justice.

7. This Court has jurisdiction over the subject matter.

8. This Order is entered ex parte, after Plaintiffs' notice to Defendant. It appears that there is good cause to hear this matter and enter this Order ex parte given the harm that is threatened or intended or that is likely to occur if Defendant were given notice of the Plaintiffs' efforts to obtain judicial relief.

NOW, therefore, it is **ORDERED** that Defendant Glenn Henderson is now immediately:

1. RESTRAINED from coming within 500 yards of any Plaintif's physical location, including any Plaintiff's home, workplace (including offices or courthouses where a Plaintiff is practicing law unrelated to this matter), headquarters, filming locations, or any other place of known residence, operation or business, from now until a period of at least 10 days or until this Court may hold a further hearing on the merits:

3. RESTRAINED from coming within 500 yards of any known employee of Plaintiff, from now until a period of at least 10 days or until this Court may hold a fuller hearing on the merits:

3. RESTRAINED from coming within 500 yards of any office of Sands Anderson PC, but not limited to 4101 Lake Boone Trail, Raleigh, North Carolina,

27601, or coming within 500 yards of any home or other location of ány attorney or employee of Sands Anderson PC, from now until a period of at least 10 days or until this Court may hold a fuller hearing on the merits;

4. RESTRAINED from undertaking any action to abuse or injure ant Plaintiff;

5. RESTRAINED from undertaking any action to make contact with the Plaintiffs or their employees, including contact by telephone, written or electronic communication, or any other means, from now until a period of at least 10 days or until this Court may hold a fuller hearing on the merits; and,

6. RESTRAINED from possessing any firearm, fron now from now until a period of at least 10 days or until this Court may hold a fuller hearing on the merits. The Court ORDERS Defendant to forfeit any place into the custody of the Cumberland County Sheriff any and all lethal weapons or firearms, from now until a period of at least 10 days or until this Court may hold a fuller hearing on the merits. Cumberland County Sheriff's office is ordered to confiscate ant firearms at the time of service of this order. IT IS FURTHER ORDERED that the Defendant appear at a hearing to be held at the Cumberland County Courthouse, Fayetteville, North Carolina, on December 3, 2013 Ct room 3C at 6:30 AM/PM, or as soon

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thereafter as may be heard. The Defendant shall show cause why this same order should not issue on a preliminary or permanent basis.

IT IS FURTHER AND FINALLY ORDERED that the Cumberland County Sheriff serve the Temporary No-Contact and Restraining Order on Defendant

Glenn Henderson without delay and as soon as practicable.

SO ORDERED, this the 19th day of December 2013.

James F. Ammons, Jr.
Senior Resident Superior Court Judge
12th Judicial District.

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NORTH CAROLiNA IN THE GENERAL COURT OF JUSTICE
CUMBERLAND COUNTY SUPERIOR COURT
DIVISION 13 CVS 9617

FILED
2013 DEC 19 PM 12:16
CUMBERLAND COUNTY, C.S.C.

SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA, LLP, JAMES ROSEN, ESQ., and ADELEA CARRASCO, ESQ.
Plaintiffs

v.

GLENN HENDERSON
Defendant

MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to NC R Civ P 65 and NC Gen Stat 50-C and for the reasons named in the Complaint, all of which are incorporated by reference, Plaintiffs move this Court for a Temporary Restraining Order against Defendant Glenn Henderson ("Henderson"), showing as good cause that:

1. For years, Plaintiffs have defended frivolous lawsuits (totaling 24) and numerous appeals related to Henderson's employment termination from Plaintiff Sony Pictures Entertainment Inc. Every

single lawsuit filed by Henderson has been dismissed on the merits. Almost every single dismissal had been frivolously appealed. This almost continuous litigation has been nothing short of frivolous, vexatious and harassing.

2. 96% of Henderson's litigation has been in California. Consequently, the Superior Court for Los Angeles County declared Henderson a "Vexatious Litigant" in 2005: in 2009, the Central District of California followed suit and declared Henderson a "Vexatious Litigant." In so doing, both courts imposed permanent injunctions that require Henderson to seek judicial approval before filing any civil action related to his employment termination at Sony or his subsequent litigation related to that termination. The Superior Court of Los Angeles County additionally required that Henderson post a $10,000 bond before filing ant complaint on either subject matter.

3. as explained in the Complaint, Henderson brought his campaign of frivolous pleadings to Cumberland County by filing yet another action in July 2013 (*Henderson v. Boren, et al*, 13 CVS 5248). This time, however, Henderson significantly raised the stakes by promising to "fight until I get justice or die"; to make a "citizen's arrest"); and to "defend myself up to and including killing" anybody who get in the way of making a citizen's arrest. Compl. Ex. 1, pp 14, 34.

4. That action 3, was eventually removed to federal court. As the number of motions to dismiss mounted - Henderson's sued 44 defendants - so did Henderson's innuendo and threats of violence.

5. After Plaintiffs raised questions about his threat to make a citizen's arrest, Henderson explained that he made the threats "to let them know and be prepared that i was thinking about a citizen's arrest and planned to defend myself." Compl. Ex. 2, p. 2.

6. In direct response to Plaintiffs' objections to his threats, Henderson stated that he "made proper threats and threats that needed to be made," reasoning that his threats were justified because he did not "want to just show up {to arrest the Plaintiffs to this action} and they not know why. I thought it would be better and probably safer for everyone, if they were prepared...They have no complaint about my cases and threats. They have dirty hands. They deserve to be arrested and go to prison" Compl. Ex. 2, pp. 2-3.

7. Later, and in direct response to these complaining Plaintiffs, Henderson offered the following jarring comments:

a. "They are lucky I have not gotten a gun and shot all of them I could."

b. "If the defendants have done this or will do this to someone, they will be lucky if no one gets a gun and shoots them." Compl. Ex. 3, pp. 3-4.

8. In a Sur-Reply to the Town of Hope Mills' Brief in Support of Motion to Dismiss, Henderson also offered these jarring comments:

a. "I will fight all of them for as long as it takes to get that right and to get justice. This and these people have got to be stopped."

b. "{Hope Mills is} doing to me what Sony, Russo, and the corrupt lawyers and judges have done. I need to be willing to die over this. They will have to kill me to stop me from fighting this." Compl. Ex. 4, p. 1.

9. The foregoing comments are a mere sampling. Throughout his various responses, replies, and sur-replies, Henderson repeatedly references death, dying, fighting, killing, being killed, detaining or arresting, and guns. Additionally, he frequently references his psychological conditions or undefined mental illnesses.

10. Judge Flanagan of the Eastern District of North Carolina dismissed Henderson's Complaint against Plaintiffs, less than a month ago on 20 November 2013, *Henderson v. Rose, et al, et al*, 2013 US Dist LEXIS 165065 (EDNC 2013).

11. Now that Henderson's case against the Plaintiffs has been dismissed, leaving Henderson with no existing forum to continue his "fight," the Plaintiffs are reasonably fearful that Henderson will make good on his promises to continue his "fight," even until "death," and may well engage in the physical violence he contemplates in his various pleadings offered to this Court and the Eastern District of North Carolina.

12. Now that his Complaint has been dismissed, Henderson may well act at any time, creating urgency for the instant motion and an immediate restraining order, indeed, states in his Complaint that"{t}his will be last attempt at resolving this in civil court{.}" Compl Ex 1, p. 34.

13. Money damages would offer Plaintiffs no relief given the threat of harm, and there is no other adequate remedy at law. Hence, an order immediately restraining Henderson is at once just and proper.

14. If Henderson is not enjoined and makes good on his 7threats and innuendo of physical harm, or otherwise makes good on his promise to "fight" or

"arrest" Plaintiffs, then Plaintiffs will be irreparably harmed.

15. The undersigned Counsel has attempted to contact Henderson regarding this Motion for a Temporary Restraining Order and an emergency hearing on the same. Henderson will not answer his phone.

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WHEREFORE, having shown good cause, Plaintiffs pray that this Court immediately:

1. RESTRAIN Henderson from coming within 500 yards of the Plaintiff or their employees physical location, including any Plaintiff's home, workplace (including offices or courthouses), headquarters, filming locations, or any other place of residence, operation or business;

2. RESTRAIN Henderson from coming within 500 yards of any office of Sands Anderson PC, but not limited to 4101 Lake Boone Trail, Raleigh, North Carolina, 27601, or coming within 500 yards of any home or other location of any attorney or employee of Sands Anderson PC;

4. RESTRAIN Henderson from undertaking any action to abuse or injure ant Plaintiff;

5. RESTRAIN Henderson from undertaking any action to make contact with the Plaintiffs or their employees, including contact by telephone, written or electronic communication, or any other means;

6. RESTRAIN Henderson by requiring him to forfeit and place into the custody of the Cumberland County Sheriff any lethal weapon or firearms, at least for a period of until this Court a fuller hearing on the merits as provided by NC R Civ P 65(b) and NC Gen Stat 50-C or until such other time as agreed upon or deemed appropriate by this Court: and,

6. Grant such other relief as this CVourt may deem just and proper.

This the 19th day of December 2013.

Sands Anderson PC
Attorneys for the Plaintiffs

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NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
CUMBERLAND COUNTY SUPERIOR COURT DIVISION 13 CVS 9617

FILED
2013 DEC 30 AM 10:36
CUMBERLAND COUNTY, C.S.C.

SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA, LLP, JAMES ROSEN, ESQ., and ADELEA CARRASCO, ESQ.
Plaintiffs

v.

GLENN HENDERSON
Defendant

PERMANENT NO-CONTACT AND RESTRAINING ORDER

THIS CAUSE having come on originally for hearing upon Plaintiffs' Complaint and Motion for Temporary Restraining Order and heard ex parte on

19 December 2013 after Plaintiffs' attempted telephonic notice to Defendant, and now again before this Court today, 30 December 2013 upon the Sheriff's return of the Temporary Restraining Order and as required by Rule 65 of the North Carolina Rules of Civil Procedure. The Court makes the following findings of fact and conclusions of law:

1. The Cumberland County Sheriff served Defendant Henderson ("Defendant") with this Court's Temporary No Contact and Restraining Order ("TRO") on 20 December 2013. The TRO contained a proper notice of this hearing.

2. Having been served with the TRO, Defendant had notice of this hearing to permanently enjoin him pursuant to NC Gen Stat 50-C as well as under the inherent powers of this Court.

3. On this day, Defendant appeared to show cause why an order restraining him should not issue. The Court considered the Court record proper and heard from Defendant and Plaintiffs' counsel. The Court finds no compelling reason for why an Order restraining Defendant should not issue.

4. It appears to the Court that the Cumberland County's Special Response Team served Defendant. In so doing, the Sheriff complied with TRO and confiscated a Mossberg shotgun. The Court is informed that there is no public registration or other record linking this shotgun to Defendant.

5. The Court finds that Defendant's multiple innuendo or plain threats of physical harm, guns death, killing, being killed, physical arrest or detention, shooting or being "shot," offered both to this Court and other legal forums, both offend the proper administration of justice and violate North

Carolina law. Se, e.g., NC Gen Stat 14-277.1, 14-16.7, 50-C-1(1), (6), (7).

6. This Court is empowered to take numerous measure to restrain Defendant and protect the Plaintiffs, including "other relief deemed necessary and appropriate by the court, "which, given the gravity of Defendant's threats, including confiscating Firearms and prohibiting Defendant from purchasing the same without notice to and permission from the Court. NC Gen Stat 50-C-5(b)(7).

7. ~~These same powers enable this Court to restrain Defendant from travelling to Los Angeles County, California without notice to both the Court and the Plaintiffs' counsel~~.

8. Plaintiffs Sony Pictures Entertainment Inc., Kim Russo, Schmid & Voiles, Kathleen McColgan, Rosen & Saba LLP, James Rosen, and Adela Carrasco will sustain irreparable harm as a proximate result of the Defendant's threatened actions.

9. Defendant's threats alone have caused and will continue to cause the Plaintiffs irreparable anxiety and stress for which money damages would be an inadequate compensation. Defendant's contemplated and threatened actions, if carried out, would most certainly irreparably harm Plaintiffs.

10. Defendant would suffer only slight, if any, damages as a result of the injunctive relief requested by Plaintiffs.

11. Plaintiffs have raised questions that are so substantial as to make them fair grounds for litigation for appropriate relief in this Court.

12. Plaintiffs have demonstrated a likelihood of success on the merits of their claims.

13. Plaintiffs have demonstrated a significant risk of

ongoing and imminent harm, constituting immediate and irreparable injury and loss. Additionally as noted above, the Court takes judicial notice of Defendant's threats and/or innuendo of harassment or violence that are contained in his filings offered to the Court and the Eastern District of North Carolina.

14. This Court has jurisdiction over the subject matter.

2

15. The Court has personal jurisdiction over the parties.

Now, therefore, it is **ORDERED** that Defendant Glenn Henderson is now permanently:

1.RESTRAINED from coming within 500 yards of any Plaintiff's physical location, including any Plaintiff's home, workplace (including offices or courthouses where a Plaintiff is practicing law unrelated to this matter), headquarters, filming locations, or any other place of known residence, operation or business.

2. RESTRAINED from coming within 500 yards of any known employee of Plaintiff.

3. RESTRAINED from coming within 500 yards of any office of Sands Anderson PC, but not limited to 4101 Lake Boone Trail, Raleigh, North Carolina, 27601, or coming within 500 yards of any home or other location of any attorney or employee of Sands Anderson PC.

4. ~~RESTRAINED from travelling to Los Angeles County, California without 10 days prior written notice to both the Court and the Plaintiffs' counsel~~.

5. RESTRAINED from harassing or stalking any Plaintiff or any Plaintiff's employee.

6. RESTRAINED from undertaking any action to abuse or injure any Plaintiff or any Plaintff's

employee;

7. RESTRAINED from undertaking any action to make contact with the Plaintiffs or their employees, including contact by telephone, written or electronic communication, or any other means, and

8. RESTRAINED from possessing any firearm. The Court ORDERS that the Cumberland County Sheriff maintain possession of the Mossberg shotgun confiscated on or about 20 December 213 until further instruction from this Court. The Court further ORDERS that, to the extent not already confiscated, that Defendant forfeit and place in the custody of the Cumberland County Sheriff's Department any other firearm or lethal weapon and that the Defendant is now RESTRAINED from applying for or purchasing the same, until dissolution, relief or modification of this Order.

3

IT IS FURTHER AND FINALLY ORDERED that the Cumberland County Sheriff serve this Permanent No-Contact and Restraining Order on Defendant Glenn Henderson without delay.

SO **OREDERED**, this the 30yh day of December 2013.

Mary Ann Tally
~~James F. Ammons Jr~~. Mary Ann Tally
~~Senior~~ Resident Superior Court Judge
12th Judicial District

4

NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION CUMBERLAND COUNTY 13 CVS 9617

CLERK OF SUPERIOR COURT
SUBMIIED IN COURT ON
1/5/15 at 11:22AM C7AM3B
BY Oe
SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA, LLP, JAMES ROSEN, ESQ., and ADELEA CARRASCO, ESQ.
Plaintiffs
v.
GLENN HENDERSON
Defendant

GATEKEEPER ORDER
NC R CIV P 11

Upon motion of Plaintiffs' lawyer; and after hearing on the matter with defendant (pro se), and taking into consideration of the facts and applicable law, the Court GRANTS the motion for sanctions pursuant to Rule 11 of the North Carolina Rules of Civil Procedure. In granting this Motion, the Court makes the following findings of fact.

1. Defendant initiated a state court action on or about 9 July 2013 in Cumberland County Superior Court (12 CVS 5248), which named over 40 defendants, including the Plaintiffs to this action. This action was eventually removed to the Eastern District of North Carolina (Civil Action No 5-14-CV-00029) and was ultimately dismissed.

2. Following the dismissal of the above-referenced federal action (1), Plaintiffs filed this present action (13 CVS 9617) in this Court. Plaintiffs did not seek any monetary relief and instead sought injunctive relief in the form of protective and gatekeeper orders. Previously, the Court grated relief in the form of a No-Contact Order, pursuant to NC Gen Sta 50-C;

before the Court today is the Plaintiffs' request for a Gatekeeper Order.

3. Defendant filed another lawsuit against the Plaintiffs to this action in the Eastern District of North Carolina (Civil Action No. 5:14-CV-00029) that generally sought declaratory relief that the threats contained in his first state action (13 CVS 5248) were constitutionally protected under the First Amendment. This second federal lawsuit was also dismissed.

4. Moreover, in Defendant's second federal action against these named Plaintiffs, the Eastern District of North Carolina entered a Pre-filing injunction against Defendant. This Pre-filing injunction enjoins Defendant from "filing in this district any lawsuit against the Defendants Sony Pictures Entertainment; Kim Russo; Schmid & Voiles; Kathleen McColgan; James Rosen; Rosen & Saba LLP; David McKenzie; and/or against Sands Anderson PC, which lawsuit involves claims related to; or arising out of Henderson's employment with and/or termination from defendant Sony, or any litigation related thereto, included all matters addressed in any prior North Carolina case, state or federal, without leave of court, "which were the topics of Defendant's first Cumberland County action. Ex1.

5. This Court takes judicial notice that Defendant has filed numerous lawsuits, state and federal, against these Plaintiffs that have been largely duplicative, including those cited by the Eastern District of North Carolina. Ex. 2

6. Additionally, Defendant filed yet another lawsuit (EDNC Civil Action No. 5:14-cv-00210-H) against sitting judges in this very Court.

7. Defendant in his original 2013 filing in this Court, is plain in his intent to keep filing repetitive lawsuits against these Plaintiffs until he prevails. See Compl Ex. 1. Additionally, Defendant has failed to contest or rebut Plaintiffs' allegations of the same. Also making judgment proper under NC R Civ P 12© and/or NC R Civ P 56. See compl p. 9.

Thus, having considered the aforementioned facts it is the legal conclusion of this Court that:

1. Defendant had to sign his original Cumberland County pleading consistent with the obligations of Rule 11 of the North Carolina Rules of Civil Procedure.

2. Defendant failed to comply with North Carolina Rule of Civil Procedure Rule 11 in that:

a. Defendant's original pleading to this Court illustrate his failure to file documents well-grounded in fact and warranted by existing law or a good faith argument to the extension, modification or reversal of existing law. More particularly, the Court concludes that the initial complaint filed was duplicative and in violation of the certification requirements of Rule 11.

b. Defendant's original complaint demonstrate his repeated propensity to file documents interposed for an improper purpose. More particularly, the Court concludes the filing of his original Cumberland County action as well as companion actions in federal court, were done for an improper purpose, causing unnecessary delay and needlessly imposing the cost of litigation on the instant Plaintiffs.

c. Pursuant to Rule 11 of the North Carolina Rules of Civil Procedure, if a pleading, motion, or other paper is signed in violation of Rule 11, the Court,

upon motion, shall impose upon the person who signed the document(s) an appropriate sanction.

Therefore, in light of the foregoing and after considering other and lesser sanctions, the Court GRANTS the motion for sanctions pursuant to Rule 11 and ORDERS the following:

1. Defendant is now barred and enjoined from filing any lawsuit in North Carolina court against Plaintiffs Sony Pictures Entertainment; Kim Russo; Schmid & Voiles; Kathleen McColgan; James Rosen; Rosen & Saba LLP; David McKenzie; and/or against Sands Anderson PC which lawsuit involves claims related to; or arising out of Henderson's employment with and/or termination from defendant Sony, or any litigation related thereto, included all matters addressed in any prior North Carolina case, state or federal, without leave of Court.

2. In addition to any other already existing orders in place relevant to Defendants' Cumberland County filings, the Defendant, if proceeding pro se, SHALL in any subsequent filings filed in any court in North Carolina include this Gatekeeper Order.

3. Specifically, Defendant shall and must recite in any future claims or complaints filed in any court in North Carolina this sentence at the beginning of any filing: "As a condition of filing this document *pro se*, I am directed to disclose that sanctions have previously been ordered against me for violating Rule 11 of the North Carolina Rules of Civil Procedure as contained in an Order filed in Cumberland County Superior Court case number 13 CVS 9617."

So **ORDERED** this the 5th day of January 2015.

Mary Ann Tally
Superior Court Judge Presiding
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NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
CUMBERLAND COUNTY SUPERIOR COURT DIVISION 13 CVS 9617

FILED
2015 DEC 28 AM 8:53
CUMBERLAND COUNTY, C.S.C.

SONY PICTURES ENTERTAINMENT INC., KIM RUSSO, SCHMID & VOILES, KATHLEEN MCCOLGAN, ESQ., ROSEN & SABA, LLP, JAMES ROSEN, ESQ., and ADELEA CARRASCO, ESQ.
Plaintiffs
v.
GLENN HENDERSON
Defendant

SECOND RENEWED MOTION FOR NO-CONTACT AND RESTRAINING ORDER and MOTION TO SHOW CAUSE

Plaintiffs Sony Pictures Entertainment Inc., Kim Russo, Rosen & Saba LLP, James Rosen, Esq. and Adela Carassco, Esq. ("Plaintiffs") move this Court to renew all previously entered No-Contact Orders against Defendant Glenn Henderson ("Henderson").

Plaintiffs incorporate by reference all previously filed motions to restrain Henderson as good cause. **Yet, to be clear, Plaintiffs inform this Court that Henderson is getting worse; he is filing more and more abusive appellate pleadings and has recently escalated his harassment and threats**. As further good cause, Plaintiffs show as follows:

1. The need for another No-Contact Order begins in

July 2013. Henderson filed a state court action (13 CVS 5248) in this forum against 45 body politics, entities, judges, and other individually named defendants. Henderson was again seeking impossible redress for alleged wrongs that happened in the 1990's in California.

2. This state court matter (1) was ultimately removed to federal court and then followed the path of Henderson's 45 or so other actions: dismissal, appeal, denial of a petition for rehearing *en banc*, and denial of Henderson's *writ of certiorari* to the United States Supreme Court.

3. Henderson sues all persons who get in his way, including Judge Ammons, Judge Tally, Supreme Court Justices, and any attorney that simply appears to advocate for a client.

4. Plaintiffs brought this narrow action to restrain Henderson from making a "citizen's arrest," or more critically killing anyone who got in his way. See Compl pp. 3-5.

5. The Court has twice granted this relief in the form of a No-Contact Order. *But, now and in an appellate filing, Henderson expressly states he does not have to abide by the orders.*

6. Henderson has sought untimely appellate review of the renewed No-Contact Order that was entered by this Court on or about 5 January 2015. On 14 December 2015, he docketed his brief at the North Carolina Court of Appeals. On 21 December 215, he incorrectly served his brief on the undersigned attorney. He exclaims as follows:

The orders were unlawful. I didn't violate Rule 11 and won't say I did. I do not have to obey the unlawful RO. Tally and Ammons will have to kill me

or have someone do it. I am going after them in court. If that does not work, I will try going to all law enforcement I can think of. If that does not work, I will go after them myself. I have the right to defend myself, stand my ground, and bear arms to stop them. I do not have to be in imminent danger of death or great harm. I have the right to kill them under the 2nd Amendment because of abuse, oppression, and tyranny.... I will not stop until I get justice and my rights back or until the judges or defendants or anyone else involved kill me or I legally kill them (emphasis added).

7. This Court has been clear to Henderson: (1) he is forbidden from "harassing or stalking any Plaintiff or any Plaintiff's employee or attorney," and (2) he may not undertake "any action to abuse or injure any Plaintiff or any Plaintiff's employee or attorney." First renewed No-Contact Order at p. 3.

8. This is one of many appellate filings wherein Henderson makes a threat. Having been restrained by all trial courts in North Carolina, state and federal, Henderson has taken his sport of offering threat and innuendo with appellate courts. The threat above, however, is the most serious.

9. This kind of threat is not excusable in any legal forum. It is categorically not permitted by orders previously entered by this Court.

WHEREFORE, Plaintiffs respectfully pray as follows:

A. That this Court renew its No-Contact Order for another year as provided by NC Gen Stat 50-C.

B. That this Court, after affording Henderson the opportunity to appear and show cause, find that Henderson is in civil and criminal contempt under

NC Gen Stat 5A-11(a), 5A-21. Plaintiffs specifically pray:

i. That Henderson be remanded to the custody of the Cumberland County Sheriff.

ii. That this Court order the Cumberland County Sheriff to tender Henderson to Central Regional Hospital in Butner for a mental evaluation by the North Carolina Department of Human Services ("DHHS").

iii. That this Court order that Henderson not be released from Central Regional Hospital until DHHS concludes that Henderson is not a threat to himself or others, but that any release be conditional on this Court's approval.

C. That this Court take every measure possible to forbid, inhibit, or encumber Henderson's ability to secure or own a weapon, of any kind, including by way of adding Henderson to any database or other system designed to prohibit people who are a danger to themselves or others from owning a firearm.

D. For all such other relief that this Court deems equitable, just, or proper.

Respectfully

OLIVE & OLIVE PA
Attorneys for Plaintiffs
David L. McKenzie
NC State Bar 63676
Olive & Olive PA
500 Memorial Street
Durham, North Carolina 2771
Phone: 919-683-5514; 919-688-3781

Statutes

Chapter 50C.
Civil No-Contact Orders.
§ 50C-1. Definitions.
The following definitions apply in this Chapter:
(1) Abuse. – To physically or mentally harm, harass, intimidate, or interfere with the personal liberty of another.
(2) Civil no-contact order. – An order granted under this Chapter, which includes a remedy authorized by G.S. 50C-5.
(6) Stalking. – On more than one occasion, following or otherwise harassing, as defined in G.S. 14-277.3A(b)(2), another person without legal purpose with the intent to do any of the following:
a. Place the person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates.
b. Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment and that in fact causes that person substantial emotional distress.
(7) Unlawful conduct. – The commission of one or more of the following acts by a person 16 years of age or older upon a person, but does not include acts of self-defense or defense of others:
b. Stalking.
(8) Victim. – A person against whom an act of unlawful conduct has been committed by another person not involved in a personal relationship with the person as defined in G.S. 50B-1(b). (2004-194, s. 1; 2004-199, s. 50;2007-199, s. 1; 2009-58, s. 6.)
§ 50C-2. Commencement of action; filing fees not permitted; assistance.

(a) An action is commenced under this Chapter by filing a verified complaint for a civil no-contact order in district court or by filing a motion in any existing civil action, by any of the following:
(1) A person who is a victim of unlawful conduct that occurs in this State.
(b) No court costs or attorneys' fees shall be assessed for the filing or service of the complaint, or the service of any orders, except as provided in G.S. 1A-1, Rule 11.
(c) An action commenced under this Chapter may be filed in any county permitted under G.S. 1-82 or where the unlawful conduct took place.
(d) If the victim states that disclosure of the victim's address would place the victim or any member of the victim's family or household at risk for further unlawful conduct, the victim's address may be omitted from all documents filed with the court. If the victim has not disclosed an address under this subsection, the victim shall designate an alternative address to receive notice of any motions or pleadings from the opposing party.
(e) All documents filed, issued, registered, or served in an action under this Chapter relating to an ex parte, emergency, or permanent civil no-contact order may be filed electronically.
§ 50C-3. Process for action for no-contact order.
(a) Any action for a civil no-contact order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the respondent to answer within 10 days of the date of service. Attachments to the summons shall include the complaint for the civil no-contact order, and any temporary civil no-contact order that has been issued and the notice of hearing on the temporary civil no-

contact order.
(b) Service of the summons and attachments shall be by the sheriff by personal delivery in accordance with Rule 4 of the Rules of Civil Procedure, and if the respondent cannot with due diligence be served by the sheriff by personal delivery, the respondent may be served by publication by the complainant in accordance with Rule 4(j1) of the Rules of Civil Procedure.
(c) The court may enter a civil no-contact order by default for the remedy sought in the complaint if the respondent has been served in accordance with this section and fails to answer as directed, or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.
§ 50C-4. Hearsay exception.
In proceedings for an order or prosecutions for violation of an order under this Chapter, the prior sexual activity or the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution under G.S. 8C, Rule 412.
§ 50C-5. Civil no-contact order; remedy.
(a) Upon a finding that the victim has suffered unlawful conduct committed by the respondent, the court may issue temporary or permanent civil no-contact orders as authorized in this Chapter. In determining whether or not to issue a civil no-contact order, the court shall not require physical injury to the victim.
(b) The court may grant one or more of the following forms of relief in its orders under this Chapter:
(1) Order the respondent not to visit, assault, molest, or otherwise interfere with the victim.
(2) Order the respondent to cease stalking the victim, including at the victim's workplace.

(3) Order the respondent to cease harassment of the victim.
(4) Order the respondent not to abuse or injure the victim.
(5) Order the respondent not to contact the victim by telephone, written communication, or electronic means.
(6) Order the respondent to refrain from entering or remaining present at the victim's residence, school, place of employment, or other specified places at times when the victim is present.
(7) Order other relief deemed necessary and appropriate by the court, including assessing attorneys' fees to either party.
(c) A civil no-contact order shall include the following notice, printed in conspicuous type: "A knowing violation of a civil no-contact order shall be punishable as contempt of court which may result in a fine or imprisonment."
§ 50C-6. Temporary civil no-contact order; court holidays and evenings.
(a) A temporary civil no-contact order may be granted ex parte, without evidence of service of process or notice, only if both of the following are shown:
(1) It clearly appears from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim before the respondent can be heard in opposition.
(2) Either one of the following:
a. The complainant certifies to the court in writing the efforts, if any, that have been made to give the notice and the reasons supporting the claim that notice should not be required.
b. The complainant certified to the court that there is

good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given any prior notice of the complainant's efforts to obtain judicial relief.
(b) Every temporary civil no-contact order granted without notice shall:
(1) Be endorsed with the date and hour of issuance.
(2) Be filed immediately in the clerk's office and entered of record.
(3) Define the injury, state why it is irreparable and why the order was granted without notice.
(4) Expire by its terms within such time after entry, not to exceed 10 days.
(5) Give notice of the date of hearing on the temporary order as provided in G.S.50C-8(a).
(c) If the respondent appears in court for a hearing on a temporary order, the respondent may elect to file a general appearance and testify. Any resulting order may be a temporary order, governed by this section. Notwithstanding the requirements of this section, if all requirements of G.S. 50C-7 have been met, the court may issue a permanent order.
(d) When the court is not in session, the complainant may file for a temporary order before any judge or magistrate designated to grant relief under this Chapter. If the judge or magistrate finds that there is an immediate and present danger of harm to the victim and that the requirements of subsection (a) of this section have been met, the judge or magistrate may issue a temporary civil no-contact order.
(e) Hearings held to consider ex parte relief pursuant to subsection (a) of this section may be held via video conference.
§ 50C-7. Permanent civil no-contact order.
Upon a finding that the victim has suffered an act of

unlawful conduct committed by the respondent, a permanent civil no-contact order may issue if the court additionally finds that process was properly served on the respondent, the respondent has answered the complaint and notice of hearing was given, or the respondent is in default. No permanent civil no-contact order shall be issued without notice to the respondent. Hearings held to consider permanent relief pursuant to this section shall not be held via video conference.

§ 50C-8. Duration; extension of orders.

(a) A temporary civil no-contact order shall be effective for not more than 10 days as the court fixes, unless within the time so fixed the temporary civil no-contact order, for good cause shown, is extended for a like period or a longer period if the respondent consents. The reasons for the extension shall be stated in the temporary order. If a temporary ex parte civil no-contact order:

(1) Is granted without notice and a motion for a permanent civil no-contact order is made, it shall be set down for hearing within 10 days from the date of the motion.

(2) Is denied, the trial on the plaintiff's motion for a civil no-contact order shall be set for hearing within 30 days from the date of the denial. When the motion for a permanent civil no-contact order comes on for hearing, the complainant may proceed with a motion for a permanent civil no-contact order, and, if the complainant fails to do so, the judge shall dissolve the temporary civil no-contact order. On two days' notice to the complainant or on such shorter notice to that party as the judge may prescribe, the respondent may appear and move its dissolution or modification. In that event the judge shall proceed to

hear and determine such motion as expeditiously as the ends of justice require.
(b) A permanent civil no-contact order shall be effective for a fixed period of time not to exceed one year.
(c) Any order may be extended one or more times, as required, provided that the requirements of G.S. 50C-6 or G.S. 50C-7, as appropriate, are satisfied. The court may renew an order, including an order that previously has been renewed, upon a motion by the complainant filed before the expiration of the current order. The court may renew the order for good cause. The commission of an act of unlawful conduct by the respondent after entry of the current order is not required for an order to be renewed. If the motion for extension is uncontested and the complainant seeks no modification of the order, the order may be extended if the complainant's motion or affidavit states that there has been no material change in relevant circumstances since entry of the order and states the reason for the requested extension. Extensions may be granted only in open court and not under the provisions of G.S. 50C-6(d).
(d) Any civil no-contact order expiring on a day the court is not open for business shall expire at the close of the next court business day.
§ 50C-9. Notice of orders.
(a) The clerk of court shall deliver on the same day that a civil no-contact order is issued, a certified copy of that order to the sheriff.
(b) If the respondent was not present in court when the order was issued, the respondent may be served in the manner provided for service of process in civil proceedings in accordance with Rule 4(j) of the Rules of Civil Procedure. If the summons has not yet been

served upon the respondent, it shall be served with the order. Law enforcement agencies shall accept receipt of copies of the order issued by the clerk of court by electronic or facsimile transmission for service on defendants.
(c) A copy of the order shall be issued promptly to and retained by the police department of the municipality of the victim's residence. If the victim's residence is not located in a municipality or in a municipality with no police department, copies shall be issued promptly to and retained by the sheriff and the county police department, if any, of the county in which the victim's residence is located.
(d) Any order extending, modifying, or revoking any civil no-contact order shall be promptly delivered to the sheriff by the clerk and served in a manner provided for service of process in accordance with the provisions of this section.
§ 50C-10. Violation.
A knowing violation of an order entered pursuant to this Chapter is punishable by civil or criminal contempt as provided in Chapter 5A of the General Statutes.
§ 50C-11. Remedies not exclusive.
The remedies provided by this Chapter are not exclusive but are additional to other remedies provided under law.

NC GS § 14-277.1.
Communicating threats.
(a) A person is guilty of a Class 1 misdemeanor if without lawful authority:
(1) He willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the

property of another;
(2) The threat is communicated to the other person, orally, in writing, or by any other means;
(3) The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
(4) The person threatened believes that the threat will be carried out.
(b) A violation of this section is a Class 1 misdemeanor.

NC GS § 14-277.3A. Stalking.
(a) Legislative Intent. - The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.
The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes,

but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.
(b) Definitions. - The following definitions apply in this section:
(1) Course of conduct. - Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
(2) Harasses or harassment. - Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
(3) Reasonable person. - A reasonable person in the victim's circumstances.
(4) Substantial emotional distress. - Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
(c) Offense. - A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the

harassment or the course of conduct would cause a reasonable person to do any of the following:
(1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
(2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.
(d) Classification. - A violation of this section is a Class A1 misdemeanor. A defendant convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A defendant who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony. A defendant who commits the offense of stalking when there is a court order in effect prohibiting the conduct described under this section by the defendant against the victim is guilty of a Class H felony.
(e) Jurisdiction. - Pursuant to G.S. 15A-134, if any part of the offense occurred within North Carolina, including the defendant's course of conduct or the effect on the victim, then the defendant may be prosecuted in this State.

NC GS Rules of Civil Procedure
Rule 13. Counterclaim and crossclaim.
(a) Compulsory counterclaims. – A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication

the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if

(1) At the time the action was commenced the claim was the subject of another pending action, or

(2) The opposing party brought suit upon his claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this rule.

(b) Permissive counterclaim. – A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim.

(c) Counterclaim exceeding opposing claim. – A counterclaim may or may not diminish or defeat the recovery sought by the opposing party. It may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

(d) Counterclaim against the State of North Carolina. – These rules shall not be construed to enlarge beyond the limits fixed by law the right to assert counterclaims or to claim credit against the State of North Carolina or an officer or agency thereof.

(e) Counterclaim maturing or acquired after pleading. – A claim which either matured or was acquired by the pleader after serving his pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

(f) Omitted counterclaim. – When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice

requires, he may by leave of court set up the counterclaim by amendment.
(h) Additional parties may be brought in. – When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or crossclaim, the court shall order them to be brought in as defendants as provided in these rules, if jurisdiction of them can be obtained.
(i) Separate trial; separate judgment. – If the court orders separate trials as provided in Rule 42(b), judgment on a counterclaim or crossclaim may be rendered in accordance with the terms of Rule 54(b) when the court has jurisdiction so to do, even if the claims of the opposing party have been dismissed or otherwise disposed of.

NC GS Rule 7. Pleadings allowed; motions.
(a) Pleadings. – There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a crossclaim, if the answer contains a crossclaim; a third-party complaint if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. If the answer alleges contributory negligence, a party may serve a reply alleging last clear chance. No other pleading shall be allowed except that the court may order a reply to an answer or a third-party answer.