No. 22A137

In The

Supreme Court of the United States

UNITED STATES OF AMERICA, ex rel. M. EUGENE GIBBS-SQUIRES, Esq.; [10 million HOMEOWNERS]; [FANNIE MAE AND FREDDIE MAC INVESTORS; and [100 DRUG RAPED WOMEN], *Applicants*

v.

BANK OF AMERICA, N. A.; NATIONSTAR D/B/A MR COOPER; UNITED STATES: FREDDIE MAC; FEDERAL HOUSING FINANCE; AGENCY (FHFA); JUDGE MICHAEL G. NETTLES; ALAN M. WILSON, SC AG; CHIEF JUDGE WENDY L. HAGENAU; CYNTHIA R. EADON; MCGUIRE WOODS, LLP; SCOTT AND CORLEY, P.A.; WILLIAM "BILL" COSBY; PETER STERN, ESQ.; MICHAEL ROSENFELD ART GALLERY; SMITHSONIAN INSTITUTION; ROD ROSENSTEIN [USA]; and DOES, 1-500,

Respondents,

EMERGENCY APPLICATION FOR WRIT OF INJUNCTION

To the Honorable Sonia M. Sotomayor, Justice of the United States and Circuit Justice for the Second Circuit

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Barbara A. Gibbs, Applicants
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August 9 2022

QUESTION PRESENTED

This case involves an extraordinary attempt by Respondents to "cover-up" the theft of $50 billion dollars of Black Art; and how those thefts merged with Bank of America's defrauding – Applicants; 10 million Homeowners; the Treasury Department; Fannie Mae, Freddie Mac, and Fannie Mae and Freddie Mac Investors of $3 trillion dollars by paying $10 billion in bribes to ensure Gibbs's litigation does not return the stolen $3 trillion dollars to the Treasury Department.[1]

Respondents prevailed 25 years ago by engaging in obstruction of justice while the case was before the Second Circuit (1997); thereafter (2003) Respondents had Applicant falsely arrested, illegally indicted, and tortured Applicant to force a confession to a crime that never happened to destroy Applicant's Law Firm [GIBBS, SCOTT & REDMOND] The question presented is:

Is an emergency injunction warranted to stop Respondents continuing criminal enterprise from contributing to the suicides of three (3) Homeowners each day; prevent additional *deaths* and destruction of Gibbs' family; stop Respondents from committing perjury, subornation of perjury and fraud on the courts: state court, two (2) federal district courts, and the Second Circuit: destroying the integrity of the courts; and stop the continued the suspension of Gibbs' law license?

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[1] In or about 2008, Bank of America made two (2) of the worse corporate acquisitions in history: Merrill Lynch and Countrywide Financial. The acquisition "saddled" Bank of America with $2 trillion dollars of bad debt. Today, Bank of America has assets of almost $4 trillion dollars. During 10 years of litigation Bank of America has not controverted Gibbs' proof – the assets are derived from the criminal enterprises formed in violation of the *Racketeering Influence Corrupt Organization Act* (RICO). Gibbs is an attorney, and retired New York City police officer. And, 25 years ago the Honorable Justice Sonia M. Sotomayor sat on the three (3) judge panel (Second Circuit) that denied sanctions set out, *infra*. Then and during the subsequent 25 years, Gibbs has litigated [t]his case with the same ethics.

PARTIES TO THE PROCEEDING

All parties listed in the caption and Cross-Complainant/ Defendant – Applicant, Barbara A. Gibbs.

CORPORATE DISCLOSURE STATEMENT

The Applicant has no parent corporation and no publicly held corporation owns any of their stock. No other publicly held corporation has a direct financial interest in the outcome of this litigation by reason of a franchise, lease, other profit-sharing agreement, insurance, or indemnity agreement.

RELATED PROCEEDINGS BELOW

United States Court of Appeals for the Second Circuit:

- *Gibbs v. BOA, et al.*, No. 22-1344 (2nd Cir.) — appeal pending; Emergency motion for injunction pending appeal was denied as to Emergency Relief August 4, 2022: motion submitted to three (3) judge panel

- In Re M. Eugene Gibbs-Squires, Esq., No. 22-1032 (2nd Cir.) Emergency Petition for Writ of Mandamus: Pending

United States District Court for the Eastern District of New York:

- *Gibbs et al. v. Bank of America N.A. et al.*, No. 1:22-cv-00011-RPK-LB (E.D.N.Y.) — judgment entered May 10, 2022, dismissing the case and failing to rule on emergency motion for temporary restraining/injunction; and failing to rule on motions for declaratory judgment; appointment of counsel (Defendant Gibbs); severance of federal defendants' counsel

United States District Court for the District of Georgia (Northern Division:

- *In re Barbara A. Gibbs, Bankruptcy* No. 19-54809-*WLH* — Bankruptcy open
- *[Gibbs v. Bank of America, Adversary proceeding No. 19-5272-WLH]*

South Carolina Supreme Court:

- *M. Eugene Gibbs, Esq., et al., v. James E. Lockemy, Chief judge (SC Court of Appeals), et al.*, No. 2021-001282— Emergency Petition for Writ of Mandamus: Pending.

South Carolina Court of Appeals:

- *Nationstar Mortgage d/b/a Mr. Cooper v. Barbara A. Gibbs, et al.*, No. 2019-000486 — appeal pending.

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To the Honorable Sonia M. Sotomayor, Justice of the Supreme Court, and Circuit Justice for the Second Circuit:

Having appeared before Your Honor 25 years ago: three judge panel Second Circuit denied sanctions filed by Respondents: Your Honor stated, "Attorney Gibbs has every right to pursue this case ($50 billion stolen art) ...I believe, failure to do so may amount to ineffective assistance of counsel." Your Honor may attest Attorney Gibbs (Applicant) does not engage in hyperbole. Yet here, the intervening 25 years has produced the largest criminal conspiracies in history, App. 56.

Respondents continuing criminal enterprises over the course of 27 years have caused deaths, destruction of the courts' integrity: perjury, subornation of perjury, fraud on the courts; retention of Attorney Gibbs' stolen psychiatric medical records used to falsely arrest, illegally indict, and torture Gibbs to force a confession to a crime that did not occur – to conceal the theft of $50 billion dollars of Black Art having merged with the theft of $3 trillion dollars – requires action by this Honorable Court, (*Gibbs Affidavit*), App 56.

This case cannot be permitted to represent a distain for having a Black attorney obtain the largest judgment, more than $1 trillion dollars – in the history of our legal system.

Pursuant to Supreme Court Rules 20, 22, and 23, and 28 U.S.C. § 1651, Applicants ("Plaintiffs") respectfully request an immediate, emergency writ of injunction to prevent Respondents from unlawfully engaging in unlawful practices contributing to the suicides of Homeowners and placing Gibbs' life in danger.

More specifically, Applicants seek an injunction that prohibits Respondents from continuing their criminal enterprise in the Second Circuit and beyond. Applicants also ask the Court to consider this Application as a petition for certiorari, grant certiorari on the questions presented, treat the Application papers as merits briefing, and issue a merits decision as soon as practicable.

INTRODUCTION

To ensure the Second Circuit denied Gibbs JUSTICE twenty-five (25) years ago, Appellees' obstruction of justice was pervasive, to wit: Elizabeth Broun, Director, (Smithsonian American Art Museum) by and through the Smithsonian Board of Regents: stopped the Inspector General's investigation after Gibbs was given the Smithsonian Institution's business records – self-proving of [t]heir crimes, were turned over to Gibbs; AUSA Neil Corwin (SDNY) by and through the US Attorney (EDNY), shut-down the FBI investigation after evidence was being developed connecting employees of the Smithsonian Institution to the stolen art, App 37.[2]

Peter Stern, Esq., entered into a secret agreement with Gibbs' New York counsel to ensure the complaint was not amended to include a RICO count as instructed by Gibbs; and that the notice of appeal was not amended in the Second

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[2] Three days after Gibbs requested the clerk enter Default and issue a Certificate of Default against the Smithsonian, the Smithsonian agreed to return the stolen art in [i]ts collection. The stolen art Gibbs sued for has an estimate value of $10 billion. Gibbs' fee would be $5 billion: treble damages under RICO would equal $15 billion. Judge Kovner ordered the clerk to refuse to enter Default; an issue set forth, *infra*.

Circuit; Peter Stern, Esq. and AUSA Neil Corwin had Gibbs' psychiatric medical files stolen and was aided by the South Carolina attorney general in Respondents' attempt to have Gibbs disbarred. This allowed Respondents to file false criminal charges against Gibbs with IRS, and the Department of Labor; both found to be without merit. Peter Stern, Esq. filed false allegations with the South Carolina Supreme Court after the Second Circuit denied multiple motions for sanctions. Respondents created the perception – Gibbs was and is "crazy" for having made allegations against William "Bill" Cosby – [t]heir alleged paragon of Black society; June 21, 2022, a jury found Bill Cosby was a PEDOPHILE and awarded his victim $500,000. Although in default in this $1 trillion dollar case, Cosby mocked the jury verdict because his coconspirators (Respondents) and the courts continue to protect him; Appellees continue to peddle the false narrative of Gibbs' mental state, because Gibbs insists Respondents (including Cosby) be held to account for crimes.

Gibbs would not have been arrested, tortured, and forced to confess to a crime that never occurred: but for Respondents continuing criminal enterprise operated uninterrupted for 27 years.

Respondents having joined and combined to conceal the theft of $50 billion dollars of Black art by destroying Gibbs, exposed the theft of $3 trillion dollars from 10 million Homeowners and the federal government, App. 35. The ex rel action is also filed to recover monies on behalf of the federal government.

JURISDICTION

On May 9, 2022, file for a writ of mandamus to the Second Circuit Court of Appeals, App. p. 1. On May 10, 2022, Judge Kovner (EDNY) dismissed Gibbs' case with prejudice, App. p. 2. On June 22, 2022, Plaintiffs filed their notice of appeal under 28 U.S.C. § 1292(a)(1), and an emergency motion for an injunction pending appeal in the Second Circuit. The Second Circuit denied that request for injunctive relief on August 4. App. 001. This Court has jurisdiction under 28 U.S.C. § 1254(1) and 28 U.S.C. § 1651(a).

DECISIONS BELOW

The Second Circuit's denial of an injunction pending appeal is available at App. 001. The district court's order and opinion dismissing the case is available at App. 002.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves U.S. Constitution amend. IV ("searches and seizures"), V ("right to due process"), VI ("Right to a Lawyer") and VII ("Right to Jury Trial"), all appended at App. 085.

FACTUAL AND PROCEDURAL BACKGROUND

Your Honor (Honorable Justice Sonia M. Sotomayor) sat on the three-judge panel of the Second Circuit that denied Respondents' motion for sanctions against Gibbs. Your Honor stated –

"Attorney Gibbs has every right to pursue this case...failure to do so, I believe, may amount to ineffective assistance of counsel."

Gibbs felt a sense of validation and has pursued this case for 27 years; having suffered deaths and destruction at the hands of Respondents. Your Honor and Gibbs did not know Respondents began their obstruction of justice while the case was before the Second Circuit.

Respondents had Gibbs investigated and stole Gibbs' psychiatric medical records.[3] Respondents filed multiple criminal complaints against Gibbs, stopped the Inspector General (Smithsonian) from completing their investigation after documents proving crimes were provided, stopped the FBI investigation after Smithsonian employees were connected to the stolen art. When Respondents failed to have Gibbs disbarred, Respondents had Gibbs falsely arrested, illegally indicted and tortured Gibbs for 14 months (SuperMax Prison, Baltimore, MD (2003-2004)) to force Gibbs to confess to a crime that never occurred – destroying Gibbs Law Firm (GIBBS, SCOTT & REDMOND).

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[3] Gibbs sought the counsel of a psychiatrist to "deal with" RACISM - during his career as a New York City police officer. Gibbs' fight to diminish racism within the police department led to retirement in 1976. Having delt with extreme racism during his lifetime, including while in the United States Air Force. While driving his family from Charleston, SC (57 years ago), four (4) months after Gibbs' brother was killed in Vietnam; the Ku Klux Klan attempted to kill Gibbs and his family. To serve and love America while America has not love [m]e is difficult. Even under the weight of racial tragedies Gibbs' judgment has never been an issue! ...despite Respondents attempting use Gibbs' mental treatment to excuse their continuing criminal enterprise.

Past is prologue! ...if Applicants prayed for Injunction is not granted, Respondents will murder Gibbs, continue to cause death and destruction of Gibbs' family, and three (3) Homeowners will continue to commit suicide each day; since Gibbs filed this litigation January 4, 2022 – almost 650 Homeowners have committed suicide.

Respondents' criminal enterprise contributes to three (3) Homeowners, of which Applicants are a member. Researchers from the University of Oxford compared suicide data from before 2007 with the years of the crisis (housing) and found more than 10,000 "economic suicides" associated with the recession across the U.S., Canada, and Europe. 'There has been a substantial rise in suicides during the recession, considerably more than we would have expected based on previous trends," says lead author Aaron Reeves, a postdoctoral researcher in the sociology department at Oxford University published in The Lancet in 2012 estimated that the U.S. suffered 4,750 "excess suicide deaths" after the recession hit in 2008.

Gibbs exposed Bank of America (Big 5 Banks) modus operandi, App 20. Homeowners would submit modification applications under the Home Affordable Mortgage Program (HAMP). Bank employees were paid bonuses to destroy 10,000 applications per week. Bank of America sold the mortgages to Fannie Mae and Freddie Mac and executed fraudulent Assignment of Mortgages with Nationstar to prevent Homeowners from discovering their mortgages were owned by Fannie Mae or Freddie Mac. Homeowners who persisted on having their mortgages modified,

Bank of America instructed Nationstar to file foreclosures; with full knowledge Nationstar did not have Standing and Homeowners were not delinquent on their mortgage payments, App 20.

This case is filed on behalf of the federal government (ex rel) and Applicants – to recover $3 trillion dollars, Bank of America (Big 5 Banks) defrauded from 10 million Homeowners, the Treasury Department, Fannie Mae, and Freddie Mac in violation of the *False Claims Act*: litigated under the *Racketeering Influence Corrupt Organization Act* (RICO), and for the value of $50 billion dollars of stolen Black Art: both continuing criminal enterprises having joined and combined to destroy Applicant (M. Eugene Gibbs, Esq. [GIBBS, SCOTT & REDMOND]).

A. ***The district court may not dismiss Applicants' case as frivolous the day after Appellant petitioned the Second Circuit for a writ of mandamus; where, as here, Respondents defaulted and there are no findings of facts and conclusions of law.***

Judge Kovner failed and neglected to conduct a "finding of facts" to determine which, if any Respondents and issues were affected by prior litigation. Judge Kovner failed and neglected to apply the correct facts and interpreted case law by relying on cases either vacated and set aside, and a case later revered by the Tenth Circuit (Review De Novo); and Judge Kovner relied on facts not material to this case (Clearly Erroneous). The Court is required to reverse Judge Kovner...this case should end without further damages to Applicants. Judge Kovner having given preclusive effect to cases reversed – DEMANDS REVERSAL. Judge Kovner does not understand crimes committed in furtherance of RICO are only subject to the *limiting* set by 18 USC § 1961 (10-year tolling): *general rules* of res judicata (issue preclusion) and collateral estoppel do not apply to a continuing criminal enterprise. Especially where, as here, Appellees' continuing criminal enterprise extends into

the district court; and is simultaneously being litigated in state court (South Carolina), federal court (Northern District of Georgia (Bankruptcy)), and Eastern District of New York. AND continues in the Second Circuit and this Honorable Court!

Judge Kovner cited, *Gibbs v. Bank of Am., N.A.*, No. 16-CV-2855 (GJH), 2017 WL 1214408, at *6 (D. Md. Mar. 31, 2017) as the basis for dismissal and determining Gibbs' filing was frivolous, App 2. Unintentional or otherwise, Judge Kovner cited case was reversed, the memorandum opinion was vacated, and the case was remanded back to state court, *infra:*

11/13/2017	85	ORDER granting 77 Motion for Reconsideration; granting 80 Motion to Reopen and Remand to State Court; vacating 75 Memorandum Opinion; directing the Clerk to reopen the case for the purpose of remanding. Signed by Judge George Jarrod Hazel on 11/13/2017. (c/m 11/14/2017 - jf3s, Deputy Clerk) (Entered: 11/14/2017)
11/14/2017	86	Remand Letter to State Court (c/m 11/14/2017 - jf3s, Deputy Clerk) (Additional attachment(s) added on 11/28/2017: # 1 Receipt of case) (jnls, Deputy Clerk). (Entered: 11/14/2017)

From March 31, 2017, to November 13, 2017: Gibbs spent eight (8) months attempting to have Judge Hazel understand Maryland law. Where, as here, Respondents (Plaintiffs in state court) filed foreclosure in Maryland state court and Applicants (Defendants) filed a counterclaim: Maryland law did not permit Respondents (Plaintiffs) to remove the case to Maryland federal court. After eight (8) months and consultation with several colleagues (one of which had addressed the same issue and remanded the case back to state court) Judge Hazel concluded

Gibbs' legal analysis was correct.

Judge Kovner also cited, *Gibbs-Squires v. Urb. Settlement Servs.*, No. 14-CV-00488 (MSK) (CBS), 2015 WL 196217, at *5-6 (D. Colo. Jan. 14, 2015), aff'd, 623 F. App'x 917 (10th Cir. 2015).

The following year (2016) the Tenth Circuit Court reversed [t]heir prior position:

> In a published, 38-page opinion, the U.S. Court of Appeals for the Tenth Circuit held that a first amended complaint filed by borrowers against Bank of America (Bank) and Urban Settlement Services (Servicer) stated a "facially plausible" claim under the Racketeer Influence and Corrupt Organizations Act (RICO). The lawsuit was remanded by the Tenth Circuit back to the U.S. District Court for the District of Colorado for further proceedings after the lawsuit was initially dismissed by the district court [*George v. Urban Settlement Services*, 833 F.3d 1242 (10th Cir. 2016), App. 36.

Judge Kovner, to divest this Court of jurisdiction (Gibbs' Petition for Writ of Mandamus, 22-1032) and deny Gibbs his day in court, ruled in effect: if a jury acquits a "Drug Kingpin" of RICO, and the "Drug Kingpin" returns to operating his criminal enterprise, a prosecutor cannot charge the "Drug Kingpin" and those who join him/her, in a later prosecution for continuing their criminal enterprise engaged in the illegal sale of drugs....

Unfortunately, Judge Kovner disregarded the facts and laws of this case, and incorrectly and/or falsely stated Appellants supplemented [t]heir pleadings (Complaint and Amended Complaint) by adding additional defendants: dismissing on the grounds of res judicata (Issue Preclusion) and collateral estoppel. Applicants did not supplement; Applicants AMENDED [t]heir complaints to include additional

facts and defendants who joined the continuing criminal enterprise.

Gibbs' properly pleaded Respondents criminal conduct as being ongoing for twenty-seven (27) years (1995-2022); including PERJURY, SUBORNATION OF PERJURY (18 USC §1622) and FRAUD ON THIS COURT. Therefore, the law does not excuse the continuing criminal enterprise because a few of the participants may have been acquitted of a crime; and "those few" return to the continuing criminal enterprise.

Judge Kovner relied on cases Gibbs litigated, without understanding the law and facts; and that "on the merits" refers to a case whose decision rests upon the law as it applied to the "particular" evidence and facts presented in the case. Applicants did not litigate based on Bank of America having denied Applicants' application for mortgage modification: Bank of America never denied said application and Applicants' application is still pending with Bank of America. Uncontroverted evidence proves Bank of America sold millions of mortgages, including Applicants' mortgage to Freddie Mac and executed a fraudulent Assignment of Mortgage with Nationstar to conceal the theft of $$$ hundreds of billions of dollars.

The result reached by Judge Kovner is too often indicative of the egregious attitudes Black attorneys face. Judge Kovner ignored the rule of law: Rather than engaging in a "finding of facts" based on the evidence and applying those facts to the rules of law, Judge Kovner relied on procedural dismissals of prior dismissed cases – a result not accept by New York law: New York law requires a final judgment be

reached on the MERITS.

Judge Kovner ignored the facts: "clearly erroneous" and applied rules of law not applicable to this case (reviewed De Novo).

Applicants' pleadings meet the standards set by FRCP, Rule 8 and RICO and Applicants have amended the facts and conspirators; proving Respondents have been engaged in the criminal enterprises for 27 years (1995 – 2022); including the trial court, Second Circuit, and this Honorable Court – if Respondents file an Opposition(s).

This Case, in [i]ts outcome, is an extension of *Brown v. Board of Education of Topeka*, 347 U.S. 483; which disassembled the barriers of legal RACISM as to public accommodations.

This case exposes the greed and corruption "kneeling" on the necks of Black people in particular; and Working People in general. Systemic Racism and its progenies have allowed the theft of $50 billion of Black Art and Bank of America's theft of $3 trillion and erased 50 years of gains by Black folk. [W]e are not the fools, idiots, and buffoons – as too often portrayed in the public sphere. Slavery and "Jim Crow" existed from 1619 to 1960; yet, from 1960 to 1980 [W]e shed [t]heir insidious yokes. But, from 1980 to 2022 the corruption of Black officials and institution have eliminated 40 years of progress.

African Americans are of a homogeneous society introduced into heterogeneous America. Historically, WE (Black Folk) were controlled by violence perpetrated against us: our leaders and institutions. During the past 40 years the

most effective method was deployed: destruction of Applicant's Law Firm (GIBBS, SCOTT & REDMOND); paying $$$ billion in BRIBES to African American leaders and institution: the NAACP, Congressional Black Caucus, Al Sharpton, and Black Churches. The funding of the BRIBES is derived from the $50 billion of Black Art and "funneled" by and through Respondent William "Bill" Cosby – aided by the Smithsonian Institution, Peter Stern, Esq., the Michael Rosenfeld Gallery, Bank of America, and others.

Gibbs was able to collect invaluable data as to "Black" corruption due to his close friendship with Dick Gregory, noted civil rights activist, and communications with the individuals and institutions over the course of 20 years. Gibbs discovered the intent of demonizing the police versus attacking major corporations; allowing Affirmative Action to be "demonized" as a 10% set aside for Blacks rather than a 90% set aside for Whites; combining with Republicans in 2010 to ensure Gerrymandering: Republicans named the operation "Rat Fucked;" allowing Republicans to substitute a "Black" holiday rather than a National Holiday to Vote: the Emancipation Proclamation freed 1 million Blacks January 1, 1863; the Civil War ended April 9, 1865, freeing 2 million Blacks. However, 250,000 Blacks in Texas did not learn of their freedom until June 19, 1865: we are misled to believe this is a reason to celebrate – it is not – 1 million Blacks remained in SLAVERY: Delaware, Maryland, Missouri, and Kentucky: [t]hey were not freed until the 13th Amendment was ratified on December 6, 1865. We are asked to celebrate a date in which 1 million Blacks remained Slaves – some would argue the *Emancipation*

Proclamation was illegal and no Blacks were fee until December 6, 1865.

On June 21, 2022: Bill Cosby was judged to be a Pedophile and his victim awarded $500,000. Thereafter Bill Cosby "spit" on the judicial system; more specifically the Second Circuit. Cosby made his egregious statements while Gibbs' Petition for Writ of Mandamus was pending before Second Circuit – seeking to force the trial court to order the clerk to enter Default against Bill Cosby, the Smithsonian Institution, Nationstar Mortgage, Peter Stern, Esq., and Scott and Corley, P.A. Respondents are emboldened by Judge Kovner and the Second Circuit "validating" their continuing criminal enterprise rather than giving fidelity to the law.

Respondents had Gibbs falsely arrested (2003), criminally indicted and tortured Gibbs – to force Gibbs to confess to a crime that did not occur to protect those (Respondents) involved in the theft of $50 billion of Black Art. Appellees joined and combined to destroy Gibbs' Law Firm (GIBBS, SCOTT & REDMOND) in violation of RICO – pursuant to RICO: "Due provisions" must be made for Applicants, App. 57. Thereafter, Respondents expanded the continuing criminal enterprise by filing a fraudulent foreclosure (2013) against Applicants that continues for 10 years – including today!

During oral arguments 25 years ago, Respondent Peter Stern, Esq., the value of the art is question during a panel hearing (Second Circuit). Mr. Stern stated the

value being about $300,000 – the actual value is $50 billion.[4]

B. The district court may not dismiss Appellants' RICO case when factually accurate and Respondents' core criminal conduct (PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURT) extends into the district court; and is the gravamen of pending litigation in state and federal courts – constituting a continuing criminal enterprise.

The trial court record is replete with evidence of Respondents' continuing criminal enterprise: including the FRAUDULENT ASSIGNEMTN OF MORTGAGE. Respondents knowingly filed the fraudulent Assignment of Mortgage in the trial court; two federal district courts, and the Second Circuit; deliberately committing PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURTS. Respondents sold up 10 million mortgages to Fannie Mae and Freddie Mac (including Applicants' mortgage) and signed the fraudulent Assignments of Mortgage to avoid modifying those mortgages as required by the Home Affordable Mortgage Program (HAMP), App. 20.

Because Respondents' goal was the destruction of Gibbs, Respondents totally and completely ignored every rule of law. Including but not limited to Respondent designating Nationstar to file the illegal foreclosure against Applicants. Respondents knew Applicants had never missed a mortgage payment (no damages) – self-proven by Respondents business records. Respondents having sold Applicants'

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[4] The Court inquired about the value of the art from Peter Stern, Esq., attorney for Defendant/Appellee, rather than Gibbs, attorney for Plaintiffs/Appellants – Mr. Stern knowingly lied to the Court. AND rather than answer for his criminal acts – Stern has DEFAULTED.

mortgage to Freddie Mac knew Freddie Mac was the party-in-interest. Yet, Respondents designated Nationstar to file the fraudulent FORECLOSURES based on the fraudulent Assignment of Mortgage. Additionally, Respondents knew that under South Carolina law Nationstar could not execute an Assignment of Mortgage contract: Nationstar was only licensed as a Servicer in South Carolina. Respondents' *Subornation of Perjury* is also substantiated by [t]heir violation of: *Section 404 of the Helping Families Save Their Homes Act of 2009 (Act)*: requires mortgage purchasers to notify borrowers in writing of the sale, transfer, or assignment of their mortgage loan.

More than 10,000 Homeowners have committed SUICIDE during the "Housing Crisis;" each day three (3) Homeowners commit SUICIDE. Many of the SUICIDES are the result of Appellees criminal conduct. To stop this epidemic of suicides, Respondents must be ORDERED to provide the names of the millions of Homeowners, Appellees mishandled their applications to have their mortgages modified – in furtherance of Respondents' continuing criminal enterprise. Bank of America was put on notice that their conduct was responsible for Homeowners committing suicide – notice reflects an indifference to human life.

Judge Kline determined Bank of America was responsible for Eric Sundquist's attempted suicide and sanctions were necessary. Judge Kline, stated, "To name and to shame Bank of America on the public record in an opinion that stays on the books serves a valuable purpose casting sunlight on practices that affect ordinary consumers." *Sundquist v. Bank of America*, No. 10-35624, Adv. Proc.

No. 14-2278 (Bankr. E.D. Cal. Jan. 18, 2018).

Calling it a "naked effort to coerce this court to erase the record," the bankruptcy court declined to vacate its 2017 judgment in which it awarded damages for violation of the automatic stay in the amount of $1,074,581.50 and ordered an additional $5 million in punitive damages based on Bank of America's conduct in connection with Erik and Renee Sundquists' home mortgage.[5] In addition to the award directed to the Sundquists, the 2017 order included a $45 million punitive damage award to be distributed to various public interest entities which were added to the case as Intervenors.

Respondents cannot survive a motion for summary judgment: the material facts cited in Gibbs' complaint, amended complaints and affidavits, are self-proving by Respondents' business records, Respondents' court filings and court dockets – proving PERJURY, SUBORNAITON OF PERJURY and FRAUD ON MULTIPLE COURTS and violations of RICO. Respondents are desperately trying to destroy Gibbs to protect Respondents' theft of $50 billion dollars of Black Art and theft of $3 trillion dollars; Respondents committed the largest fraud ever recorded, App 20.

Judge Kovner attempts to buttress [h]er false claim that Gibbs having included the South Carolina attorney general, is further proof Gibbs' case is frivolous. Judge Kovner's false assumption fails based on the fact the South Carolina attorney general has never refuted [h]is proven participation in the continuing criminal enterprises – factually the South Carolina

[5] Bank of America attempted to force the Sundquists into a confidential settlement that allowed the case to be closed under seal.

attorney general is a "major lynch-pin" connecting the two criminal enterprises.

The South Carolina attorney general joined and combined with Peter Stern, Esq., and stole Gibbs' medical records from Connecticut and transported the records to South Carolina. Thereafter, the SC-AG gave the stolen medical records to a psychiatrist in Columbia, SC. When the psychiatrist scheduled Gibbs' appointment, Gibbs inquired whether Gibbs' medical records were needed. The psychiatrist informed Gibbs he was given Gibbs' medical records by Assistant Attorney General James Bogle when [h]e was retained, App. 52.

Gibbs has filed several affidavits attesting to these facts and litigated this issue and the SC-AG having joined with Bank of America and Nationstar: deliberately omitting Appellants from the $91 million dollar settlement signed on or about December 7, 2020, App. 20, p. 30. Gibbs has presented uncontroverted evidence of the complicity of the SC-AG, ***ad nauseum***; including having the South Carolina Supreme Court order the return Gibbs' stolen medical records, App. 52.

Gibbs must not be destroyed to protect Respondents and PEDOPHOILES; judges and courts must be honest – the objective cannot be protecting PEDOPHILES at the expense of JUSTICE: Gibbs does not make any allegations against anyone. Those associated with Jeffery Epstein have resources children and 10 million Homeowner do not; and they may hire attorneys and public relation firms to set the record straight: more than 2,000 individuals listed in Ghislaine Maxwell's "Black Book," to wit:

British socialite Ghislaine Maxwell's trial (conviction) exposed those associated with *Jeffrey Epstein*: ("Black Book") also contains the names of: President Donald Trump, President Bill Clinton: best friend Bill Cosby; David Koch, Mike Bloomberg, Peter Cohen, Flavio Briatore, Steve Forbes, Rubert Murdoch, Ronald Perelman (the

businessman, not the actor), Peter Soros (the nephew of George Soros) and Robert Trump (the brother of Donald Trump), Alec Baldwin, Ralph Fiennes, David Blaine, Ivanka and Ivana Trump, Jimmy Buffett, Chris Evans, Dustin Hoffman, Mick Jagger, Michael Jackson, Chris Tucker... Britain's Prince Andrew, Duke of York (son of Queen Elizabeth), Professor Alan Dershowitz, billionaire investor Leon Black, [federal judges and politicians]....

This Court must enjoin Appellees from the continuation of their criminal enterprises operating within and outside this Court and make "due provisions" for Appellants. If Appellees are not enjoined more deaths are predictable and certain.

C. The district court may order the clerk to refuse to enter default and issue summons demanded by Applicants without entering an order and allowing Appellants to respond – denial of due process.

The Clerk must not be allowed to determine the outcome of Gibbs' litigation when ordered to do so by Judge Kovner. Pleadings must be timely filed and Entry of Default, supported by Affidavits must be docketed and requested Certificates of Default must be granted.

The actions of Judge Kovner has destroyed the integrity of the court. The Court must reverse with specific instructions and rebukes – designed to restore the district court's integrity. Judge Kovner having ORDERED the clerk to violate the rule of civil procedure exceeded [h]er authority; to wit:

FRCP, Rule 55(a) states, "the clerk **must** enter the party's default." The clerk has determined this to mean – only when "I" deem entry of default and issuance of Certificates of Default are proper!

(1) Rule 55. **Default; Default Judgment** (a) Entering a Default.

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, **the clerk must enter the party's default**.

Judge Kovner ORDERED the clerk to NOT ENTER Gibbs' DEMANDED Entry of Defaults, Affidavits and Certificates of DEFAULT on the Docket; as to William "Bill" Cosby and Appellees in general – as required by FRCP, Rule 55(a), App. 37. NOT docket pleadings or timely docket other pleadings, App. 12. AND has refused and neglected to rule on Gibbs' Motions for Injunctions, Declaratory Judgment, Severance of Federal Appellees' Counsel and Appellant Barbara Gibbs' Motion for Appointment of Counsel. Appellees continue to commit Subornation of Perjury in the district court; subjecting Appellant Barbara Gibbs to prosecution under 18 USC § 1622 (Subornation of Perjury). The Court must appoint counsel for Appellant Barbara Gibbs pursuant to U.S. Const. Amend. VI and RICO (18 USC §1964).

Judge Kovner does not have the authority to OREDER the clerk to refuse issue SUMMONS requested by Gibbs, docket Gibbs' DEMAND for Entry of Defaults and issuance of Certificates of Default. Fed. R. Civ. P. 55(a) is clear in that the Clerk MUST enter Default upon request. Judge Kovner may not refuse and neglect to rule on Gibbs' motions for the purpose of allowing Respondents time to "falsely" manufacture issues to dismiss Gibbs' case. Where, as here, Appellees' business records prove Respondents are committing PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURT in [h]er Court – Judge Kovner has a duty and responsibility to end criminal conduct affecting Gibbs' case.

Appellees joined and combined the 5th Avenue PEDOPHILE Art Gang and HAMP-less Gangs to destroy Gibbs; to prevent Gibbs from exposing Bank of America's theft of $3 trillion and the theft of $50 billion of Black Art. Bank of America paid more than $10 billion in BRIBES to politicians, public figures, and judges; by and through Bill Cosby, Dr. David Driskell, Dr. Richard Powell and the Michael Rosenfeld Gallery – engaged in money laundering: stolen art for cash to fund the $$$ billion needed for PEDOPHILES to purchase private jets, private islands, mansions, and 5 Star Accommodations – to have sex with children.

The BRIBES paid to conceal Bank of America's $3 trillion fraud fueled the "Housing Crisis" which has resulted in 10,000 homeowners committing SUICIDE. But for Respondents' crimes many of the three (3) Homeowners would not commit SUICIDE each day: almost 650 Homeowners have committed SUICIDE since Gibbs filed this case 8 months ago. Respondents argue [t]hey will be damaged it the Court enjoin [t]heir criminal conduct. Aside from being a total and complete absurd argument, Respondents "criminal blinders" hide the obvious – it is, and always has been in Respondents' power to stop [t]heir continuing criminal enterprise.

I. *The District Court has caused the Honorable Chief Justice John G. Roberts, Jr., to be an issue in this case.*

Judge Kovner's dismissal of Appellants' case has no basis in fact or law. Therefore, [i]t requires analysis. Judge Kovner cited every case Gibbs filed except one [addition by subtraction]: the case Gibbs filed in the District Court for the District of Columbia. On appeal (2001), Chief Judge Roberts (Chief Justice John Roberts) wrote an opinion as bad or worse than

Judge Kovner. It appears, without further investigation, Judge Kovner seeks to protect Chief Justice Roberts for having protected the Smithsonian Institution (Elizabeth Broun) and William "Bill" Cosby.

Judge Kovner having cast the "spotlight" on possible criminal collusion by Elizabeth Broun, Director of the Smithsonian Institution, Bill Cosby, and others, has an obligation to dispel all inferences of "wrongdoing" by Chief Justice John Roberts.

If, after Justice Roberts attempted to extricate Respondents from their criminal enterprise in 2001, had Respondents ceased to operate their criminal enterprise – the "10-year tolling" effect of RICO would have "saved" Respondents. However, because Appellees falsely arrested Gibbs, falsified Gibbs' indictment and tortured Gibbs to force Gibbs to confess to a crime that never happen (2003) – Appellees' criminal conduct made Justice Roberts' Mandate, null and void.

ARGUMENT

A Circuit Justice may issue an injunction when there is a "significant possibility" that the Court would take the case on appeal and reverse, and where "there is a likelihood that irreparable injury will result if relief is not granted." *Am. Trucking Ass'ns, Inc. v. Gray*, 483 U.S. 1306, 1308 (1987) (Blackmun, J., in chambers). Because the issuance of an injunction grants judicial intervention that has been withheld by lower courts, the legal rights at issue must be "indisputably clear." *Turner Broad. Sys., Inc. v. FCC*, 507 U.S. 1301, 1301 (1993) (Rehnquist, C.J., in chambers) (citation omitted).

The court further held that denying the injunction was improper given the "threat of continued or resumed violations of appellant's federally protected rights remains actual." Id. (citing *United States v. W. T. Grant Co.*, 345 U.S. 629 (1953))

On appeal, one publisher moved for a temporary injunction pending a final decision on the 24 constitutionality of the Act. See *Journal of Commerce & C. Bulletin v. Burleson*, 229 U.S. 600 (1913). In its motion, the publisher asked that the government be restrained from enforcing the statute against the appellant publisher and all other newspaper publishers. Id.; see also *Sohoni*, 133 HARV. L. REV. at 946-47 (summarizing motion). The Court granted the motion, thereby enjoining the government from enforcing the Act against any publishers until its constitutionality was decided. *Journal of Commerce & C. Bulletin*, 229 U.S. at 601; see also *Hill v. Wallace*, 259 U.S. 44, 62 (1922) (issuance of injunction protecting plaintiffs, and *nonparties*, from enforcement of the 1921 Future Trading Act).

Gibbs having been falsely arrested, illegally indicted, and tortured to force a confession to a nonexistent crime to conceal the theft of $50 billion dollars of Black Art and theft of $3 trillion dollars, subsequent resulting deaths of Gibbs' daughter and grandson and imminent harm to Applicants, standing alone demands issuance of injunction.

Respondents' fraudulent Assignment of Mortgages in furtherance of [t]heir continuing criminal enterprise, causing three (3) Homeowners to commit suicide each day, standing alone demands issuance of injunction.

Respondents' refusal to withdraw [t]heir fraudulent nationwide foreclosures and continuing perjury, subornation of perjury and fraud on the courts: state court, federal courts – including the Second Circuit and willingness to continue [t]heir crimes in this Honorable Court, standing alone demands issuance of injunction.

But equity is not concerned with "how the sausage is made" in the process of getting to the right outcome; instead "it is the historic purpose of equity to secure complete justice[.]" EEOC v. General Tel. Co. of Northwest, Inc., 599 F.2d 322, 334 (9th Cir. 1979), aff'd, 446 U.S. 318 (1980). Indeed, equity's goal of complete justice grants courts license to muddle through the process: "The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mold each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it." Hecht Co., 321 U.S. at 329-30 (emphasis added). This flexibility, and equity's focus on fairness, practicality, and just results makes critics' objections to potential procedural uncertainty or complexity secondary concerns.

An injunction in this case is essential to protect the integrity of the federal courts. The standards for injunctive relief are satisfied. If this Court does not intervene, the unilateral conduct of Respondents will not only deprive Plaintiff Homeowners of their right to equal protection but will also make "the promise of the Constitution's Life, Liberty and Pursuit of Happiness Clauses into a farce." Granting emergency relief is necessary to avoid "making the courts appear

corrupt, destabilizing federal law, and undermining the power of the people to be free of Government overreach [[C]rimes]." Id.

I. Plaintiffs Have Demonstrated a Clear Entitlement to Injunctive Relief Because the Legal Rights at Issue Are Indisputably Clear.

Respondents continuing criminal enterprise, operating in violation of RICO, pose immediate and irreparable harm to Applicants. Respondents having falsely arrested, illegally indicted, and tortured Gibbs to force a confession to a non-existent crime, "back-door" $10 billion dollars bribes in the wake of exposed $3 trillion dollar thefts, contravenes basic constitutional principles, violates Applicants' equal protection rights, and guarantees significant judicial corruption. This Court's intervention is urgently needed to restore the status quo and to ensure Applicants of equal justice. Failure to do so will incentivize the Justice Department to falsely arrest Gibbs "again", illegally indict Gibbs, and embolden Respondents to continue their perjury, subornation of perjury and fraud on the courts.

Respondents' Actions Offend the Constitution, Violate the *Racketeering Influence Corrupt Organization Act* (RICO), Equal Protection Clause, and Guarantee Corruption of the Courts.

It is indisputably clear that the federal Constitution grants an injunction when necessary to prevent a clear equal protection violation as articulated, *supra.* Respondents cannot be allowed to pay $10 billion in bribes to ensure Gibbs do not recover damages of $3 trillion dollars to be returned to the Treasury Department:

an amount triple of the proposed Inflation Reduction Act of 2022; for the public good.

And this case cannot represent the proposition that a Black attorney cannot be the first attorney to successfully litigate a $ trillion dollars judgment!

Judge Kovner's reasoning is wrongheaded; thou buttressed by the Second Circuit failing to grant injunction. [T]heir narrow lens makes it clearer the equal protection violation is clear and is even more egregious when considered "in light of" Respondents' flagrant disregard for the constitution and courts.

For the reasons explained above, only an emergency injunction can stop the Respondents' continuing criminal enterprise, reduce the number of Homeowners committing suicide each day, protect Plaintiffs' constitutional rights, and prevent the destruction of courts' integrity. The unique history of this case—including having Gibbs falsely arrested, illegally indicted and tortured, and then its blatant disregard for state law and equal protection through their illegal foreclosures—compels an injunction. See *Little Sisters of the Poor Home for the Aged, Denver, Colo. v. Sebelius*, 571 U.S. 1171 (2014) (issuing injunction "based on all the circumstances of the case"). No other legal remedy will suffice at this late stage. See *Clinton v. Goldsmith*, 526 U.S. 529, 537 (1999) ("The All Writs Act invests a court with a power essentially equitable and, as such, not generally available to provide alternatives to other, adequate remedies at law."). An injunction is also necessary to protect this Court's power to ensure that it is able to grant full relief necessary to protect Applicants and protect the integrity of the federal courts.

The Constitution Does Not Prohibit Injunctive Relief and Supports Intervention Under These Circumstances.

This Court's intervention is especially warranted because the lower court's failure to grant relief turned on a misinterpretation of case law and refusal to acknowledge Respondents' continuing criminal enterprise' crimes contributing to three (3) Homeowners committing suicides each day: almost 650 suicides since this case was filed.

Respondents' continuous subornation of perjury in violation of RICO in state court, two (2) federal courts, the Second Circuit, and may continue in this Honorable Court – subjects Applicant Barbara A. Gibbs to prosecution pursuant to:

18 U.S. Code § 1622 - Subornation of perjury

Whoever procures another to commit any perjury is guilty of subornation of perjury and shall be fined under this title or imprisoned not more than five years, or both.

Because Applicant Barbara Gibbs (Defendant below) faces the possibility of prosecution and Respondents have "cut off" all avenues of Barbara Gibbs being able to afford counsel and failure of the district court to appoint counsel, is a blatant violation of the Applicant's 6th Amendment Right.

V. Plaintiffs Satisfy the Remaining Requirements For Injunctive Relief.

Under 28 U.S.C. § 1651, an injunction is appropriate if it is "necessary or appropriate in aid of" the Court's jurisdiction. See *Turner Broad. Sys., Inc.*, 507

U.S. at 1301. This Court has "consistently applied [§ 1651] flexibly and in conformity with" the principle that "a federal court may avail itself of all auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it." *United States v. New York Tel. Co.*, 434 U.S. 159, 172–73 (1977) (quotation marks omitted).

Plaintiffs have also shown that "there is a likelihood that irreparable injury will result if relief is not granted." *Am. Trucking Ass'ns, Inc.*, 483 U.S. at 1308. The violation of Plaintiffs' equal protection rights is also a form of irreparable injury. See *CBS, Inc. v. Davis*, 510 U.S. 1315 (1994) (Brennan, J., in chambers) (granting stay where irreparable harm would have resulted from First Amendment violation). Applicants would also suffer irreparable harm because Gibbs will be falsely arrested, illegally indicted, and tortured to prevent Gibbs, a Black (illegally disbarred) attorney from winning the first $ trillion dollars judgment.

Finally, there is no risk of harm to the public because the public interest strongly favors safeguarding "public confidence in the integrity of the courts." *Crawford v. Marion Cty Election Bd.*, 553 U.S. 181, 197 (2008). Allowing Respondents to cause the suicides of Homeowners, and continue [t]heir perjury, subornation of perjury and fraud on the courts, with destroy the public's trust in our judicial system. In contrast, granting the requested relief ensures the integrity of the courts and prevents Gibbs' murder or destruction at the hands of

Respondents.

VI. There Are No Valid Reasons To Deny Injunctive Relief.

The Second Circuit did not cite any reasons for denying injunction, but as the law recognizes, such denial must have merit. Nothing prevents this Court from granting the requested relief.

The Crimes Against Gibbs Must Be Addressed In The Public Square.

Sunlight is the only disinfectant capable of eradicating the egregious crimes committed to protect the theft of $50 billion dollars of stolen Black Art, theft of $3 trillion dollars, and protection of pedophiles operating at the highest levels of our government.

The public, women specifically, are being denigrated by undue burdens placed on their unalienable right to control their bodies. The remedy must include the reinstatement of Gibbs' law license; Gibbs is the only attorney in America who sets forth a workable solution between: *Roe v. Wade* and *Dobbs v. Jackson*, and beyond, to wit:

III. Dobbs v. Jackson WHO (Sup. Ct. No. 19-1392): –

Gibbs must be afforded [h]is legal status as an attorney and more than the 15 minutes dedicated to this analysis thus far; for full analysis, *see* App. 53.

Women's Right to Choose (WRC)-Homemaker and Forced LABOR = $$$

For too many years a woman's right to control the issues concerning her body have been defined by men using antiquated and incorrect legal theories. Women cannot, LEGALLY, be forced to carry a FETUS to term; and if women are forced to carry a fetus to term – the financial LABOR costs will destroy a state's financial viability! ...full analysis of Dobbs, © (Gibbs) Pythagorean Exponent of Legalism, Pain can be Quantified, see, App. 53.

According to the ILO Forced Labor Convention, 1930 (No. 29), forced or compulsory labor is:

"All work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."

HOMEMAKER

Homemaker: must be considered a profession; in fact, a major profession. Success in it calls for all the ingenuity and intelligence of the best women. It should, therefore, receive the highest public esteem and approval. AND as such, must be compensated at a minimum of $1,000 per week – when forced on WOMEN against [t]heir WILL.

If a WOMAN gets pregnant and decides after eight (8) weeks she does not want to be a Homemaker, but State-A's laws forces the WOMAN to become a Homemaker if the decision has not been made within six (6) weeks, State-A must compensate the WOMAN for weeks 9-36: a total of 25 weeks of WORK at $1,000 (minimum) x 25 weeks = $25,000 + proven associated expenses resulting from the forced WORK; and if WOMEN care for the child until the child reaches the age of 18 – compensation must continue until the child is an adult.

PAIN CAN BE QUATIFIED

E=mgh, E=(½)kx^2,x=sqrt(2mgh/k), f=kx=sqrt(2mghk)

Respondents' theft of Gibbs' psychiatric medical records allowed Respondents to weaponize the stereotype of mental treatment. The facts and legal analysis set forth in this brief and Gibbs having provided legal analysis of the three (3) issues above, may clearly dispel the stereotype. To provide additional

evidence as to why Gibbs' legal skills must be restored for the public good – Gibbs' "real time" analysis of the January 6th Insurrection – provides such proof, App. 76.

The system failed because we allow: the Black Intellectual Political Discourse to be "murdered" in broad daylight. Merely allowing a "Black face" in the intellectual marketplace is an insult to the Black Diaspora does harm and violence to Black upward mobility. For 27 years Gibbs has suffered and survived the worse injustices of our legal system; there must be a valid course correction. The reinstatement of Gibbs' Law License and ensuring Gibbs is not murdered or destroyed – is the very minimum required of this Honorable Justice and Court.

The Justice Department must be made to answer for using the courts to illegally arrest, illegally indict and torture Gibbs for 14 months to force a confession to crime than never happened.[6]

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6 *"...Though the colored [Black] man is no longer subject to barter and sale, he is surrounded by an adverse settlement which fetters all his movements. In his downward course, he meets with no resistance, but his course upward is resented and resisted at every step of his progress. If he comes in ignorance, rags and wretchedness... he conforms to the popular belief of his character, and in that character he is welcome;* ***but if he shall come as a gentleman, a scholar and a statesman, he is hailed as a contradiction to the national faith concerning his race, and his coming is resented as impudence.*** *In one case he may provoke contempt and derision, but in the other he is an affront to pride and provokes malice.* ***Frederick Douglass*** *– September 25, 1883*

CONCLUSION

For these reasons, Applicants respectfully request that the Court enjoin the Respondents from arresting, indicting or torturing Gibbs; dismiss all foreclosures in which Respondents executed fraudulent Assignment of Mortgages (reducing suicides); withdraw all pleadings supported by subornation of perjury; reinstate Gibbs' Law License and enter any other relief it deems just and proper.

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE WITH SUP. CT. R. 33(1)(g)

I, M. Eugene Gibbs, hereby certify that the foregoing Appellants' opening brief complies with the requirements of Sup. Ct. R. 33(1)(g) because according to the word count of the word processing system used to prepare it, it contains 8,736 words (including footnotes), which is within 9,000 words.

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CERTIFICATE OF SERVICE

I, M. Eugene Gibbs-Squires, hereby certify under the penalty of perjury that a copy of Applicants Petition for Writ of Injunction and Appendix were served electronically this 9th day of August 2022, addressed to:

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