

**No.** 22A137

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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,*

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**APPENDIX**

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

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M. Eugene Gibbs,  
Barbara A. Gibbs, Applicants  
(843) 610-0674  
mgibbs70@aol.com

August 9, 2022

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**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 4th day of August, two thousand twenty-two.

Before: Alison J. Nathan,  
*Circuit Judge,*

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Eugene M. Gibbs,

Plaintiff - Appellant,

v.

Bank of America Bank, N.A., et al.,

Defendants - Appellees.

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**ORDER**

Docket No. 22-1344

Appellant, proceeding pro se, moves for an injunction pending appeal.

IT IS HEREBY ORDERED that the motion is REFERRED to a three-judge motions panel. To the extent Appellant seeks immediate or interim relief pending the panel's decision on the motion, that request is DENIED.

For the Court:  
Catherine O'Hagan Wolfe,  
Clerk of Court

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
M. EUGENE GIBBS,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**  
22-CV-00011 (RPK) (LB)

BANK OF AMERICA, N. A.; NATIONSTAR  
D/B/A MR COOPER; BARBARA GIBBS;  
UNITED STATES: FREDDIE MAC;  
FEDERAL HOUSING FINANCE  
AGENCY (FHFA); JUDGE MICHAEL G.  
NETTLES; ALAN M. WILSON, SC AG;  
CHIEF JUDGE WENDY L. HAGENAÜ;  
CYNTHIA R. EADON; MCGUIRE WOODS, LLP;  
SCOTT AND CORLEY, P.A; WILLIAM "TOLL"  
COSBY; PETER STERN, ESQ.; MICHAEL  
ROSENFELD ART GALLERY; SMITHSONIAN  
INSTITUTION; BREON PEACE; NANCY J.  
WHALEY; MERRICK B. GARLAND;  
CONSUMER FINANCIAL PROTECTION  
BUREAU; NAACP; CONGRESSIONAL  
BLACK CAUCUS, U.S. HOUSE OF  
REPRESENTATIVES; AL SHARPTON;  
ROD ROSENSTEIN [USA]; and DOES, 1-100,

Defendants.  
-----X

Rachel P. Kovner, United States District Judge:

*Pro se* plaintiff M. Eugene Gibbs brings civil claims under the Racketeer Influenced and Corrupt Organizations Act ("RICO") and New York General Business Law ("GBL") Section 349, alleging various conspiracies. Mr. Gibbs's wife brings similar claims as crossclaims. As explained below, most of these claims are barred because the couple has unsuccessfully pressed them in prior lawsuits. The remainder are dismissed because they are frivolous. Mr. Gibbs is advised that he may be subject to sanctions if he continues to file repetitive, frivolous, and vexatious lawsuits.

### Background

Mr. Gibbs has filed a complaint and an amended complaint that purports to incorporate his original complaint in its entirety. *See* Compl. (Dkt. #1); Am. Compl. (Dkt. #6). The following facts are taken from the complaint and amended complaint and are assumed true for purposes of this order.

Mr. Gibbs first alleges a conspiracy to undermine the Home Affordable Modification Program ("HAMP") by Bank of America, Nationstar Mortgage, and various Doe defendants (collectively, the "HAMP Defendants"). Compl. 2-4. According to Mr. Gibbs, these defendants sought to subvert the HAMP program by falsely denying that they had received documents from homeowners and by issuing false notices claiming that homeowners had failed to submit required documentation. *Id.* ¶¶ 15-18, 72-81, 96-109.

Mr. Gibbs alleges that as part of this scheme, Bank of America mishandled his own attempt to modify his mortgage on his home in Florence, South Carolina that Mr. Gibbs owned with his wife, Barbara Gibbs. *Id.* ¶ 132. He alleges that he contacted Bank of America in 2009 to seek a modification of his mortgage loan from Bank of America for that South Carolina home. *Id.* ¶¶ 132, 136. According to Mr. Gibbs, he was given false information and incorrectly told that his mortgage was not eligible for a modification. *Ibid.* Nevertheless, Mr. Gibbs persisted in applying for the HAMP program, and was eventually told that he could enroll. *Id.* ¶¶ 137-139. Eventually, a Bank of America representative told him to send his HAMP application with supporting documentation to a certain fax number; Mr. Gibbs promptly did so. *Id.* ¶ 140. The Bank of America representative later informed Mr. Gibbs that his documents had been lost and that he would need to resend them. *Id.* ¶¶ 143, 145. Mr. Gibbs's application was subsequently denied due to a failure to submit the requested documents. *Ibid.* In November 2012, Bank of America

falsely told Mr. Gibbs that his mortgage was sold to Nationstar Mortgage when in fact it had been sold to Freddie Mac. *Id.* ¶¶ 151-52.

According to Mr. Gibbs, Bank of America's action was part of a larger conspiracy between the HAMP Defendants' attorneys, McGuire Woods, LLP, South Carolina's Attorney General, Alan Wilson, Judge Michael Nettles, Scott and Corley, P.A, and the HAMP Defendants to bribe the Consumer Financial Protection Bureau ("CFPB"), the Federal Housing Finance Agency ("FHFA"), Fannie Mae, and Freddie Mac to conceal Bank of America's sale of mortgage notes. *Id.* ¶¶ 173, 354-356; Am. Compl. ¶ 18.

At any rate, by the time it was sold, Mr. Gibbs's loan still had not been modified through the HAMP program. Compl. ¶ 153. Moreover, the failure of Bank of America to modify Mr. Gibbs's loan put him so far in arrears that his loan was in default. *Id.* ¶ 152. Because of this default, the HAMP Defendants hired McGuire Woods, LLP to litigate a foreclosure lawsuit against Mr. Gibbs. *Id.* ¶ 354.

Mr. Gibbs alleges that because of the foreclosure action, his wife was forced to file bankruptcy. *Id.* ¶ 360. Mr. Gibbs also alleges that the HAMP Defendants and McGuire Woods "acted in concert" with Chief Bankruptcy Judge Wendy Hagenau of the Bankruptcy Court of the Northern District of Georgia and her Courtroom Deputy, Cynthia R. Eadon, to ensure that Mr. Gibbs and his wife lost the bankruptcy action. *Id.* ¶¶ 360-64.

Next, Mr. Gibbs alleges that Attorney General Wilson conspired with attorney Peter Stern, Bill Cosby, the Smithsonian, and the Michael Rosenfeld Art Gallery (collectively, the "Art Defendants") to steal works of art by black artists. *Id.* ¶¶ 167, 179, 180, 264, 352. Mr. Gibbs alleges that the Art Defendants conspired to steal art from the family of William H. Johnson,

Gibbs's former client. *Id.* ¶ 183. He further asserts that the Smithsonian received 2,000 pieces of the stolen artwork and concealed the fact that the artwork was stolen. *Id.* ¶ 180.

Mr. Gibbs also alleges that the Reverend Al Sharpton, the National Association for the Advancement of Colored People ("NAACP"), and the Congressional Black Causes of the United States House of Representatives were bribed to remain silent about this theft, as well as about a "pedophilia ring." Am. Compl. ¶¶ 5, 19, 29.

Finally, Mr. Gibbs claims that the Art Defendants conspired with Rod Rosenstein, Attorney General Wilson, Judge Nettles, the Justice Department, US Attorney Breon Peace, and numerous John Doe FBI agents to have Mr. Gibbs arrested for a crime that never occurred. Compl. ¶¶ 167-68, 170, 351, 353; Am Compl. ¶¶ 2 11, 23, 25. This appears to be a reference to Mr. Gibbs's conviction for mailing threatening communications, in violation of 18 U.S.C. § 876. *See United States v. Gibbs*, 185 F. App'x 258 (4th Cir. 2006). Mr. Gibbs also alleges that those defendants conspired to transport Mr. Gibbs's medical documents from Connecticut to South Carolina. Compl. ¶¶ 167-68, 170, 351, 353. Mr. Gibbs suggests that, due to the actions of defendants, he was disbarred from the practice of law in South Carolina. *Id.* ¶ 266; *see In re Gibbs*, 562 S.E.2d 639, 640 (S.C. 2002) (noting disbarment).

Based on the foregoing allegations, Mr. Gibbs appears to assert RICO claims against all defendants, as well as a GBL claim against the Michael Rosenfeld Art Gallery. Compl. ¶¶ 157, 328-350, 365-368. Mr. Gibbs seeks to have this case declared a class action, and requests damages, injunctive relief, and declaratory relief. *Id.* at 93-94; Am Compl. 12-14. Mr. Gibbs has also filed separate motions for a temporary restraining order, a preliminary injunction, and a declaratory judgment seeking substantially the same remedies. *See* Dkt. ##2, 8, 9.

Mr. Gibbs also named his wife, Barbara Gibbs, as a defendant, Compl. ¶ 24, and suggests that she is also liable for his RICO claim, *id.* ¶¶ 339(d), (i), 340. Ms. Gibbs has filed a crossclaim against Bank of America and McGuire Woods LLP, incorporating by reference the claims Mr. Gibbs raised in his complaint and amended complaint. See Notice of “Deft Gibbs” Cross Claim 1 (Dkt. #41). Bank of America, McGuire Woods LLP, Michael G. Nettles, and Alan M. Wilson have filed motions to dismiss. See Dkt. ##23, 30, 74, 75.

#### Standard of Review

Even when a plaintiff has paid the filing fee, a district court may dismiss a case, *sua sponte*, if it determines that the Court lacks subject matter jurisdiction or that the action is frivolous. *Fitzgerald v. First E. Seventh Street Tenants Corp.*, 221 F.3d 362, 363-64 (2d Cir. 2000) (*per curiam*). A district court may also raise the issues of res judicata and collateral estoppel *sua sponte* against a party who has already had notice and an opportunity to respond to those issues. *Curry v. City of Syracuse*, 316 F.3d 324, 331 (2d Cir. 2003) (citing *Doe v. Pfrommer*, 148 F.3d 73, 80 (2d Cir. 1998)); *Pino v. Ryan*, 49 F.3d 51, 54 (2d Cir. 1995).

While complaints by most *pro se* plaintiffs are generally liberally construed, see *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*) (quotations and citations omitted), plaintiff’s complaint is not entitled to special solicitude because plaintiff is a disbarred attorney. *United States v. Pierce*, 649 F. App’x 117, 118 (2d Cir. 2016); *Mitchell v. Con Edison*, 531 F. App’x 140, 141 (2d Cir. 2013); *Allegrino v. Ruskin Moscou Faltischek, P.C.*, No. 19-CV-08900 (PMH), 2021 WL 429121, at \*5 (S.D.N.Y. Feb. 8, 2021); see also *In re Gibbs*, 562 S.E.2d at 648 (noting Mr. Gibbs’s disbarment).



### Discussion

Mr. Gibbs's amended complaint is dismissed, as are Ms. Gibbs's crossclaims. Their RICO claims against Bank of America and Nationstar are barred by res judicata and collateral estoppel. Mr. Gibbs's claims relating to the theft of artwork, his disbarment, and his arrest are barred by collateral estoppel. Finally, the remainder of Mr. Gibbs's claims are frivolous, and Mr. Gibbs is advised that he may be subject to sanctions if he continues filing similar claims.

#### I. The RICO Claims Against Bank of America and Nationstar are Barred by Res Judicata.

Res judicata bars Mr. and Ms. Gibbs's RICO claims (and crossclaims) against Bank of America and Nationstar. Res judicata bars subsequent litigation if: "(1) the previous action involved an adjudication on the merits; (2) the previous action involved the [parties] or those in privity with them; [and] (3) the claims asserted in the subsequent action were, or could have been, raised in the prior action." *Monahan v. N.Y.C. Dep't of Corr.*, 214 F.3d 275, 285 (2d Cir. 2000) (citations omitted). "Even claims based upon different legal theories are barred provided they arise from the same transaction or occurrence." *L-Tec Elecs. Corp. v. Cougar Elec. Org., Inc.*, 198 F.3d 85, 88 (2d Cir. 1999) (citation omitted).

As Mr. Gibbs and his wife shouldn't be surprised to learn, their claims are barred by res judicata. Both Mr. Gibbs and his wife already brought a RICO claim in the District of Colorado in 2015 against Bank of America and Nationstar. See *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). That lawsuit, like this one, alleged that those entities and others conspired to undermine the HAMP program and that Bank of America's handling of plaintiff's mortgage modification request for his South Carolina home was part of this conspiracy. *Id.* at \*3.

The court determined that Mr. and Ms. Gibbs failed to state a claim. *Id.* at \*5-6. Two years later, Mr. and Ms. Gibbs again attempted to bring RICO claims against Bank of America and Nationstar—this time in the District of Maryland. *See Gibbs v. Bank of Am., N.A.*, No. 16-CV-2855 (GJH), 2017 WL 1214408, at \*6 (D. Md. Mar. 31, 2017). Finding that the allegations regarding defendants' efforts to undermine the HAMP program were the same as those brought in the Colorado litigation, the court found that res judicata barred both plaintiffs' RICO claims against Bank of America and Nationstar. *Id.* at \*5-7. So too here. Mr. and Ms. Gibbs' RICO claims against Bank of America and Nationstar arise from the same transactions as their claims against those companies in the District of Colorado and District of Maryland. And these RICO claims were raised before, in those prior suits. Accordingly, these claims are barred.

**II. The RICO Claims Against the Remaining Defendants are Barred by Collateral Estoppel.**

Mr. Gibbs and his wife are collaterally estopped from bringing their claims related to the HAMP program and the foreclosure of their home. "Collateral estoppel, or issue preclusion, prevents parties or their privies from relitigating in a subsequent action an issue of fact or law that was fully and fairly litigated in a prior proceeding." *Marvel Characters, Inc. v. Simon*, 310 F.3d 280, 288 (2d Cir. 2002) (citations omitted). The doctrine "applies when: '(1) the identical issue was raised in a previous proceeding; (2) the issue was actually litigated and decided in the previous proceeding; (3) the party had a full and fair opportunity to litigate the issue; and (4) the resolution of the issue was necessary to support a valid and final judgment on the merits.'" *Id.* at 288-89 (citation omitted). Plaintiffs can be estopped from litigating issues that they fully and fairly litigated in a prior proceeding even against defendants not named in the prior suit. *See Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 329 (1979) (explaining that collateral estoppel principles

again several years later, in a suit brought in the Eastern District of Pennsylvania. *Gibbs-Squires v. Cosby*, No. 16-CV-768 (MSG), 2017 WL 5515916, at \*1 (E.D. Pa. Mar. 7, 2017). His claims were found to be collaterally estopped. *Id.* at \*4-5. Mr. Gibbs now supplements his claims by adding new defendants. But he remains collaterally estopped from re-litigating these claims because he already had a full and fair opportunity to litigate them in the Middle District of Florida, which found his claims lacking.

#### IV. Mr. Gibbs's Remaining Claims are Frivolous.

Mr. Gibbs's remaining claims are frivolous. "A court may dismiss a claim as 'factually frivolous' if the sufficiently well-pleaded facts are 'clearly baseless'—that is, if they are 'fanciful,' 'fantastic,' or 'delusional.'" *Gallop v. Cheney*, 642 F.3d 364, 368 (2d Cir. 2011) (quoting *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992)). Mr. Gibbs's remaining allegations easily satisfy this standard. Gibbs alleges a wide-ranging conspiracy whereby South Carolina's Attorney General, a federal judge, two separate law firms, and the HAMP Defendants bribed two federal agencies as well as Fannie Mae and Freddie Mac to conceal changes to his and other homeowners' loan servicer. Compl. ¶¶ 173, 354-356; Am. Compl. ¶ 18. But that's not all. The HAMP Defendants, a law firm, a federal bankruptcy judge, and her courtroom deputy somehow conspired to ensure that Mr. Gibbs and his wife lost their bankruptcy action. *Id.* ¶¶ 360-64. In the same breath, Mr. Gibbs claims that Reverend Al Sharpton, the NAACP, and the Black Caucus were bribed to remain silent about the Smithsonian's theft of thousands of paintings by black artists and a "pedophilia ring." Am. Compl. ¶¶ 5, 19, 29. "[T]he courts have no obligation to entertain pure speculation and conjecture." *Gallop*, 642 F.3d at 368.

Additionally, a "complaint is frivolous when, among other things, it 'is based on an indisputably meritless legal theory,' i.e., it 'lacks an arguable basis in law.'" *Tapia-Ortiz v. Winter*,

185 F.3d 8, 11 (2d Cir. 1999) (quoting *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (citation and internal quotation marks omitted)). In *Tapia-Ortiz*, the Second Circuit dismissed as frivolous a RICO conspiracy claim alleging that twenty judges, the Second Circuit's staff attorneys, a district judge, and an Assistant United States Attorney engaged in a RICO conspiracy. *Id.* at 9-11. The Second Circuit found that the claim lacked even an arguable basis in the law. *Id.* at 11. The same result follows here. Although he spends nearly two-hundred pages alleging various RICO conspiracies, Mr. Gibbs alleges no facts establishing how the government defendants joined the criminal enterprises; when the conspiracies began; what roles each of the alleged co-conspirators played; how precisely the conspiracies operated; or how he was negatively impacted by these activities. These claims are therefore frivolous. *See ibid.*

Mr. Gibbs is hereby informed that the Court will not tolerate repetitive, frivolous and vexatious litigation and that he may be subject to a filing injunction in this Court if he continues to file similar actions. *See Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000) (*per curiam*); *Hong Mai Sa v. Doe*, 406 F.3d 155, 158 (2d Cir. 2005) ("If a litigant has a history of filing vexatious, harassing or duplicative lawsuits, courts may impose sanctions, including restrictions on future access to the judicial system.") (citations and internal quotation marks omitted).

#### Conclusion

Because the defects in Mr. Gibbs's claims (and his wife's crossclaims) are "substantive" and cannot be cured with "better pleading," leave to amend the complaint is denied. *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000); *see Ashmore v. Prus*, 510 F. App'x 47, 49 (2d Cir. 2013) (summary order) (noting that leave to amend is futile where barriers to relief cannot be surmounted by reframing the complaint). Mr. Gibbs's motions for a temporary restraining order,

a preliminary injunction, and a declaratory judgment are denied as moot. The Clerk of Court is directed to enter judgment dismissing the action.

Although Mr. Gibbs paid the filing fee to bring the action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any *in forma pauperis* appeal from this order would not be taken in good faith. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/ Rachel Kovner  
**RACHEL P. KOVNER**  
United States District Judge

Dated: May 10, 2022  
Brooklyn, New York

**U.S. District Court**  
**Eastern District of New York (Brooklyn)**  
**CIVIL DOCKET FOR CASE #: 1:22-cv-00011-RPK-LB**

Gibbs et al v. Bank of America Bank, N.A. et al  
Assigned to: Judge Rachel P. Kovner  
Referred to: Magistrate Judge Lois Bloom  
Cause: 28:1331 Fed. Question

Date Filed: 01/03/2022  
Date Terminated: 05/10/2022  
Jury Demand: Plaintiff  
Nature of Suit: 470 Racketeer/Corrupt  
Organization  
Jurisdiction: Federal Question

**Plaintiff**

**Eugene M. Gibbs**

represented by **Eugene M. Gibbs**  
3108 Hidden Falls Drive  
Buford, GA 30519  
843-610-0674  
PRO SE

**Plaintiff**

**United States of America**  
*ex rel.*

**Plaintiff**

**Fannie Mae and Freddie Mac Investors**

**Plaintiff**

**100 Drug Raped Women**

**Plaintiff**

**10 Million Homeowners**

V.

**Defendant**

**Bank of America Bank, N.A.**

represented by **Michael E. Blaine**  
Winston & Strawn, LLP  
Winston & Strawn, LLP  
200 Park Avenue  
New York, NY 10166  
732-718-3441  
Email: MBlaine@winston.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Nationstar**

represented by **Charles H. Jeanfreau, Jr.**

		(Attachments: # <u>1</u> Affidavit in Support) (Bowens, Priscilla) (Entered: 01/06/2022)
01/06/2022	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <i>only</i> if all parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent <u>unless</u> all parties have signed the consent. (Bowens, Priscilla) (Entered: 01/06/2022)
01/07/2022	<u>4</u>	Summons Issued as to Bank of America Bank, N.A., William Bill Cosby, Cynthia R. Eadon, Federal Housing Finance Agency, Wendy L. Hagenau, McGuire Woods, LLP, Nationstar, Michael G. Nettles, Rod Rosenstein (USA), Scott and Corley, P.A., Smithsonian Institution, Peter Stern, Esq, United States: Freddie Mac, Alan M. Wilson, SCAG. (Herrera, Isaiah) (Entered: 01/07/2022)
03/04/2022	<u>5</u>	Answer to by (non party) Barbara Gibbs. (Lee, Tiffeny) (Entered: 03/10/2022)
03/07/2022	<u>6</u>	AMENDED COMPLAINT against Bank of America Bank, N.A., William Bill Cosby, Does 1-500, Cynthia R. Eadon, Federal Housing Finance Agency, Wendy L. Hagenau, McGuire Woods, LLP, Michael Rosenfeld Art Gallery, Nationstar, Michael G. Nettles, Rod Rosenstein (USA), Scott and Corley, P.A., Smithsonian Institution, Peter Stern, Esq, United States: Freddie Mac, Alan M. Wilson, SCAG, Breon S. Peace, Nancy J. Whaley, Merrick B. Garland, Consumer Financial Protection Bureau, NAACP, Congressional Black Caucus, Al Sharpton, filed by United States of America, Eugene M. Gibbs, Fannie Mae and Freddie Mac Investors, 100 Drug Raped Women, 10 Million Homeowners. (Lee, Tiffeny) (Entered: 03/10/2022)
03/09/2022	<u>14</u>	Waiver of Service of Summons as to non party Barbara A. Gibbs. (Lee, Tiffeny) (Entered: 03/25/2022)
03/10/2022	<u>12</u>	NOTICE TO THE CLERK: Request for summonses. (Lee, Tiffeny) (Entered: 03/25/2022)
03/12/2022	<u>7</u>	MOTION for Preliminary Injunction by Eugene M. Gibbs. (Attachments: # <u>1</u> Affidavit) (Herrera, Isaiah) (Entered: 03/14/2022)
03/12/2022	<u>8</u>	MOTION for Declaratory Judgment by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 03/14/2022)
03/20/2022	<u>9</u>	MOTION for Leave to File Excess Pages by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 03/25/2022)
03/20/2022	<u>10</u>	NOTICE of Praecipe by Eugene M. Gibbs (Herrera, Isaiah) (Entered: 03/25/2022)
03/24/2022	<u>13</u>	NOTICE of Praecipe/Line - Filing Submissions by Eugene M. Gibbs. (Lee, Tiffeny) (Entered: 03/25/2022)
03/25/2022	<u>11</u>	NOTICE of Praecipe/Line by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 03/25/2022)
03/26/2022	<u>15</u>	NOTICE of Praecipe/Line by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 03/28/2022)
03/29/2022	<u>16</u>	REPLY in Support re <u>7</u> MOTION for Preliminary Injunction , <u>8</u> MOTION for Declaratory Judgment filed by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 03/30/2022)
03/31/2022	<u>17</u>	NOTICE of Appearance by Joseph P. McNulty on behalf of Michael G. Nettles, Alan M. Wilson, SCAG (aty to be noticed) (McNulty, Joseph) (Entered: 03/31/2022)

03/31/2022	<u>18</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, <u>6</u> Amended Complaint, by Michael G. Nettles, Alan M. Wilson, SCAG. (McNulty, Joseph) (Entered: 03/31/2022)
04/01/2022	<u>19</u>	ORDER: Defendants, Alan M. Wilson and Judge Michael G. Nettles, request, with plaintiff's consent, an extension of time to respond to the Complaint. ECF No. 18. The request is granted. Defendants Wilson and Nettles shall respond to the Complaint by May 4, 2022. See attached Order. Ordered by Magistrate Judge Lois Bloom on 4/1/2022. (Yindra, Hannah) (Entered: 04/01/2022)
04/05/2022	<u>22</u>	MOTION for Extension of Time to serve Defendant William "Bill" Cosby by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 04/06/2022)
04/06/2022	<u>20</u>	NOTICE of Appearance by Michael E. Blaine on behalf of Bank of America Bank, N.A. (aty to be noticed) (Blaine, Michael) (Entered: 04/06/2022)
04/06/2022	<u>21</u>	Corporate Disclosure Statement by Bank of America Bank, N.A. identifying Corporate Parent Bank of America Corporation, Corporate Parent BAC North America Holding Company, Corporate Parent BANA Holding Corp., Corporate Parent NB Holdings Corporation, Corporate Parent Berkshire Hathaway Inc for Bank of America Bank, N.A.. (Blaine, Michael) (Entered: 04/06/2022)
04/06/2022	<u>23</u>	MOTION to Dismiss for Failure to State a Claim by Bank of America Bank, N.A.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Certificate of Service) (Blaine, Michael) (Entered: 04/06/2022)
04/06/2022	<u>24</u>	AFFIDAVIT/DECLARATION in Support re <u>23</u> MOTION to Dismiss for Failure to State a Claim <i>that was inadvertently excluded from Docket No. 23 when submitted for filing</i> , filed by Bank of America Bank, N.A.. (Blaine, Michael) (Entered: 04/06/2022)
04/07/2022	<u>25</u>	Request for Certificate of Default by Eugene M. Gibbs (Attachments: # <u>1</u> Entry of Default (Scott and Corley, P.A.), # <u>2</u> Affidavit in Support (Scott and Corley, P.A.), # <u>3</u> Affidavit in Support (Nationstar)) (Herrera, Isaiah) (Entered: 04/08/2022)
04/07/2022	<u>26</u>	CERTIFICATE OF SERVICE by Eugene M. Gibbs (Herrera, Isaiah) (Entered: 04/08/2022)
04/08/2022	<u>27</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, <u>6</u> Amended Complaint, by Nationstar. (Jeanfreau, Charles) (Entered: 04/08/2022)
04/08/2022	<u>28</u>	NOTICE of Appearance by Charles H. Jeanfreau, Jr on behalf of Nationstar (notification declined or already on case) (Jeanfreau, Charles) (Entered: 04/08/2022)
04/08/2022	<u>29</u>	Corporate Disclosure Statement by Nationstar identifying Corporate Parent BlackRock, Inc., Corporate Parent Nationstar Sub1 LLC, Corporate Parent Nationstar Sub2 LLC, Corporate Parent Nationstar Mortgage Holdings, Inc. for Nationstar. (Jeanfreau, Charles) (Entered: 04/08/2022)
04/11/2022	<u>30</u>	MOTION to Dismiss for Failure to State a Claim by McGuire Woods, LLP. (Attachments: # <u>1</u> Memorandum in Support of Defendant McGuireWoods LLP's Motion to Dismiss the Complaint and Amended Complaint, # <u>2</u> Declaration of Aleksandra Kaplun in Support of Defendant McGuirewoods LLP's Motion to Dismiss the Complaint and Amended Complaint, # <u>3</u> Exhibit A to Aleksandra Kaplun Declaration, # <u>4</u> Certificate of Service) (Kaplun, Aleksandra) (Entered: 04/11/2022)
04/11/2022	<u>31</u>	NOTICE of Appearance by John A. Darminio on behalf of Scott and Corley, P.A. (aty to be noticed) (Darminio, John) (Entered: 04/11/2022)
04/11/2022	<u>32</u>	First MOTION for Extension of Time to File Response/Reply to Complaint and Amended



		<i>Complaint</i> by Scott and Corley, P.A.. (Darminio, John) (Entered: 04/11/2022)
04/11/2022	<u>33</u>	NOTICE of Appearance by Christopher John Seusing on behalf of Scott and Corley, P.A. (aty to be noticed) (Seusing, Christopher) (Entered: 04/11/2022)
04/11/2022	<u>34</u>	SUMMONS Returned Executed by Eugene M. Gibbs. William Bill Cosby served on 4/7/2022, answer due 4/28/2022. (Herrera, Isaiah) (Entered: 04/11/2022)
04/11/2022	<u>35</u>	RESPONSE in Opposition re <u>32</u> First MOTION for Extension of Time to File Response/Reply to <i>Complaint and Amended Complaint</i> filed by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 04/11/2022)
04/11/2022	<u>36</u>	RESPONSE in Opposition re <u>30</u> MOTION to Dismiss for Failure to State a Claim filed by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 04/12/2022)
04/14/2022	<u>39</u>	NOTICE of "PRAECIPE/LINE" filed by Eugene Gibbs. (Galeano, Sonia) (Entered: 04/19/2022)
04/14/2022	<u>40</u>	MOTION for leave to allow Pro Se to Electronically File by Eugene M. Gibbs. (Galeano, Sonia) (Entered: 04/19/2022)
04/15/2022	<u>37</u>	REPLY in Support re <u>24</u> Affidavit in Support of Motion, <u>36</u> Response in Opposition to Motion, <u>23</u> MOTION to Dismiss for Failure to State a Claim --- <i>Reply brief in further support of Motion to Dismiss</i> filed by Bank of America Bank, N.A.. (Attachments: # <u>1</u> Certificate of Service) (Blaine, Michael) (Entered: 04/15/2022)
04/16/2022	<u>38</u>	Amended MOTION for Extension of Time to File Response/Reply to <i>Complaint and Amended Complaint</i> by Scott and Corley, P.A.. (Attachments: # <u>1</u> Exhibit Initial Letter Motion - Dkt. No. 32) (Darminio, John) (Entered: 04/16/2022)
04/17/2022	<u>41</u>	NOTICE of "Def't Gibbs' Cross Claim," filed by Eugene Gibbs. (Galeano, Sonia) (Entered: 04/19/2022)
04/18/2022	<u>42</u>	GIBBS' OPPOSITION TO Scott and Corley's Motion for Extension of Time, filed by Eugene M. Gibbs. (Galeano, Sonia) (Entered: 04/19/2022)
04/19/2022	<u>43</u>	(UNSIGNED) ENTRY of DEFAULT re: Rod Rosenstein with UNSIGNED Certificate of Default enclosed by Eugene M. Gibbs (Galeano, Sonia) (Entered: 04/19/2022)
04/19/2022	<u>44</u>	PLTFFS AFFIDAVIT in support of entry of default judgment, filed by Eugene M. Gibbs. (Galeano, Sonia) (Entered: 04/19/2022)
04/19/2022	<u>45</u>	(UNSIGNED) Request for Certificate of Default re: Peter Stern with UNSIGNED Certificate of Default enclosed filed by Eugene M. Gibbs (Galeano, Sonia) (Entered: 04/19/2022)
04/19/2022	<u>46</u>	PLTFFS AFFIDAVIT in support of entry of default judgment, filed by Eugene M. Gibbs (Galeano, Sonia) (Entered: 04/19/2022)
04/20/2022	<u>47</u>	NOTICE of Appearance by Christopher Daniel Volpe on behalf of Consumer Financial Protection Bureau, Federal Housing Finance Agency, Merrick B. Garland, Breon S. Peace, Rod Rosenstein (USA), Smithsonian Institution (aty to be noticed) (Volpe, Christopher) (Entered: 04/20/2022)
04/20/2022	<u>48</u>	MOTION for Extension of Time to File Answer or otherwise respond to the <i>Complaint</i> by Consumer Financial Protection Bureau, Federal Housing Finance Agency, Merrick B. Garland, Breon S. Peace, Rod Rosenstein (USA), Smithsonian Institution. (Volpe, Christopher) (Entered: 04/20/2022)
04/20/2022	<u>52</u>	RESPONSE in Opposition re <u>38</u> Amended MOTION for Extension of Time to File Response/Reply to <i>Complaint and Amended Complaint</i> filed by Eugene M. Gibbs. (Lee,

		Tiffany) (Entered: 04/22/2022)
04/20/2022	<u>55</u>	NOTICE of Praecipe/Line - Docketing Failure by Eugene Gibbs. (Lee, Tiffany) (Entered: 04/25/2022)
04/20/2022	<u>56</u>	SUMMONS Returned Executed by Eugene M. Gibbs. Michael G. Nettles served on 3/14/2022, answer due 4/4/2022; Alan M. Wilson, SCAG served on 3/14/2022, answer due 4/4/2022. (Lee, Tiffany) (Entered: 04/25/2022)
04/20/2022	<u>57</u>	SUMMONS Returned Executed by Eugene M. Gibbs. Nationstar d/b/a Mr. Cooper served on 3/16/2022, answer due 4/6/2022. (Lee, Tiffany) (Entered: 04/25/2022)
04/20/2022	<u>58</u>	SUMMONS Returned Executed by Eugene M. Gibbs. Rod Rosenstein (USA) served on 3/21/2022, answer due 4/11/2022. (Lee, Tiffany) (Entered: 04/25/2022)
04/21/2022	<u>49</u>	MOTION to Appear Pro Hac Vice Filing fee \$ 150, receipt number ANYEDC-15495798. by Michael G. Nettles, Alan M. Wilson, SCAG. (Attachments: # <u>1</u> Affidavit Pro Hac Vice, # <u>2</u> Admission Information SC Bar Certificate of Good Standing, # <u>3</u> Admission Information NC Bar Certificate of Good Standing) (Lindemann, Andrew) (Entered: 04/21/2022)
04/21/2022	<u>50</u>	Notice of MOTION for Emergency Appointment of Counsel; filed by Eugene M. Gibbs, dated 4/21/2022. (Attachments: # <u>1</u> Memorandum of Law in Support of Defendant Gibbs' Emergency Motion) (Latka-Mucha, Wieslawa) (Entered: 04/22/2022)
04/21/2022	<u>51</u>	Entry of Default / Request for Certificate of Default as to Smithsonian Institution; filed by Eugene M. Gibbs. W/Enclosure. (Latka-Mucha, Wieslawa) (Entered: 04/22/2022)
04/21/2022	<u>53</u>	SUMMONS Returned Executed by Eugene M. Gibbs. Smithsonian Institution served on 3/17/2022, answer due 5/16/2022. (Lee, Tiffany) Modified on 4/26/2022 (Lee, Tiffany). (Entered: 04/25/2022)
04/21/2022	<u>54</u>	PLAINTIFFS AFFIDAVIT in Support of <u>51</u> Request for Certificate of Default by Eugene M. Gibbs. (Lee, Tiffany) (Entered: 04/25/2022)
04/22/2022	<u>59</u>	GIBBS' OPPOSITION TO Bank of America's <u>23</u> MOTION to Dismiss. (Lee, Tiffany) (Entered: 04/25/2022)
04/23/2022	<u>61</u>	SUMMONS Returned Executed: Smithsonian on 3/17/2022 by Eugene M. Gibbs. (Lee, Tiffany) (Entered: 04/26/2022)
04/23/2022	<u>62</u>	SUMMONS Returned Executed by Eugene M. Gibbs. Scott and Corley, P.A. served on 3/16/2022, answer due 4/6/2022. (Lee, Tiffany) (Entered: 04/26/2022)
04/23/2022	<u>63</u>	SUMMONS Returned Executed: Nationstar on 3/16/2022 by Eugene M. Gibbs. (Lee, Tiffany) (Entered: 04/26/2022)
04/23/2022	<u>65</u>	PRAECIPE/LINE by Eugene Gibbs. (Lee, Tiffany) (Entered: 04/26/2022)
04/24/2022	<u>66</u>	GIBBS' MOTION FOR CLARIFICATION. (Lee, Tiffany) (Entered: 04/26/2022)
04/25/2022	<u>60</u>	NOTICE of Appearance by Christopher Daniel Volpe on behalf of Cynthia R. Eadon, Wendy L. Hagenau (aty to be noticed) (Volpe, Christopher) (Entered: 04/25/2022)
04/25/2022	<u>64</u>	GIBBS' AMENDED OPPOSITION to Scott and Corley's <u>38</u> Amended MOTION for Extension of Time filed by Eugene M. Gibbs. (Lee, Tiffany) (Entered: 04/26/2022)
04/25/2022	<u>67</u>	PRAECIPE/LINE. (Lee, Tiffany) (Entered: 04/26/2022)
04/26/2022	<u>68</u>	PRAECIPE/LINE w/Petition for Writ of Mandamus and Memorandum of Law; filed by Eugene M. Gibbs, dated 4/26/2022. (Latka-Mucha, Wieslawa) (Entered: 04/27/2022)

04/26/2022	<u>69</u>	"Plaintiff's MOTION to Sever Federal Defendants' Counsel" filed by <i>pro se</i> Eugene M. Gibbs, dated 4/26/2022. (Latka-Mucha, Wieslawa) (Entered: 04/27/2022)
04/26/2022	<u>70</u>	"Emergency Petition [MOTION] for Writ of Mandamus" filed by <i>pro se</i> Eugene M. Gibbs, dated 4/26/2022. (Latka-Mucha, Wieslawa) (Entered: 04/27/2022)
05/02/2022	<u>71</u>	Request for Certificate of Default by Eugene M. Gibbs (Attachments: # <u>1</u> Proposed Entry of Default Judgment, # <u>2</u> Affidavit) (Herrera, Isaiah) (Entered: 05/02/2022)
05/02/2022	<u>72</u>	RESPONSE to Motion re <u>48</u> MOTION for Extension of Time to File Answer <i>or otherwise respond to the Complaint</i> filed by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 05/02/2022)
05/03/2022		ORDER granting <u>49</u> Motion for Leave to Appear Pro Hac Vice. The attorney shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Ordered by Magistrate Judge Lois Bloom on 5/3/2022. (Yindra, Hannah) (Entered: 05/03/2022)
05/04/2022	<u>73</u>	NOTICE of Appearance by Andrew Lindemann on behalf of Michael G. Nettles, Alan M. Wilson, SCAG (notification declined or already on case) (Lindemann, Andrew) (Entered: 05/04/2022)
05/04/2022	<u>74</u>	MOTION to Dismiss for Failure to State a Claim by Michael G. Nettles, Alan M. Wilson, SCAG. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Certification and Exhibit 1) (Lindemann, Andrew) (Entered: 05/04/2022)
05/05/2022	<u>75</u>	MOTION to Dismiss for Failure to State a Claim - <i>the Cross Claims of Barbara A. Gibbs - Dkt 41</i> , by Bank of America Bank, N.A.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Certificate of Service) (Blaine, Michael) (Entered: 05/05/2022)
05/06/2022	<u>76</u>	PRAECIPE/LINE with Proposed Entry of Default by Eugene M. Gibbs. (Herrera, Isaiah) (Entered: 05/06/2022)
05/10/2022	<u>77</u>	MEMORANDUM AND ORDER: For the reasons stated in the attached memorandum and order, plaintiff's amended complaint and defendant Barbara Gibbss crossclaims are dismissed with prejudice. Plaintiff's motions for a temporary restraining order, a preliminary injunction, and a declaratory judgment are denied as moot. The Clerk of Court is respectfully directed to enter judgment dismissing the action. Ordered by Judge Rachel P. Kovner on 5/10/2022. (Andrews, Stephen) (Entered: 05/10/2022)
05/11/2022	<u>78</u>	CLERK'S JUDGMENT that plaintiff's amended complaint and defendant Barbara Gibbss crossclaims are denied with prejudice; that leave to amend is denied; that Mr. Gibbss motions for a temporary restraining order, a preliminary injunction, and a declaratory judgment are denied as moot; that this action is dismissed; that pursuant to 28 U.S.C. § 1915(a)(3) that any in forma pauperis appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962); and that Mr. Gibbs is hereby informed that the Court will not tolerate repetitive, frivolous and vexatious litigation and that he may be subject to a filing injunction in this Court if he continues to file similar actions. See Lau v. Meddaugh, 229 F.3d 121, 123 (2d Cir. 2000) (per curiam); Hong Mai Sa v. Doe, 406 F.3d 155, 158 (2d Cir. 2005). So Ordered by Jalitza Poveda, Deputy Clerk on behalf of Brenna B. Mahoney, Clerk of Court on 5/11/2022. (Copy of Judgment and appeals packet mailed to Pro Se). (Herrera, Isaiah) (Entered: 05/11/2022)
06/22/2022	<u>79</u>	NOTICE OF APPEAL as to <u>77</u> Order Dismissing Case, <u>78</u> Clerk's Judgment, by Eugene M. Gibbs. No Fee Paid. (Jones, Vasean) (Entered: 06/22/2022)

To: Rogers, Paul A. <PRogers@mcguirewoods.com>  
Subject: 19-05272-wlh Gibbs v. Gibbs et al

Hello Mr. Rogers,

Pro Se Plaintiff, Mr. Gibbs has contacted Chambers requesting an emergency hearing on Plaintiff's Motion for Stay and or Injunction (Doc #7) and Plaintiff's Motion for Declaratory Judgment (Doc #8). Although no response(s) have been filed, given your attendance at prior hearings, I am reaching out and requesting your availability over the next several weeks.

If you are not the correct party regarding this matter, please forward to appropriate party and disregard as to your availability.

Thank you.

Sincerely,

*Cynthia R. Eadon*

Courtroom Deputy

Chief Judge Wendy L. Hagenau

U.S. Bankruptcy Court, N.D. Georgia

Atlanta, Georgia 30303

(404) 215-1193

*This e-mail from McGuireWoods may contain confidential or privileged information. If you are not the intended recipient, please advise by return e-mail and delete immediately without reading or forwarding to others.*

From: Rogers, Paul A. <PRogers@mcguirewoods.com>  
To: Cynthia Eadon <Cynthia\_Eadon@gamb.uscourts.gov>  
Cc: mgibbs70@aol.com <mgibbs70@aol.com>  
Subject: RE: 19-05272 with Gibbs v. Gibbs et al  
Date: Fri, Sep 13, 2019 5:52 pm

Adversary Proceeding No. 19-05272-WLH (Bankr. N.D. Ga.)

Ms. Eadon,

We are representing the Defendants/Respondents Bank of America, N.A. ("BANA") and Nationstar Mortgage, LLC ("Nationstar") in this Adversary Proceeding. We will file a Response to the Motion for Default Judgment, which appears to be improper since it was requested prior to the Clerk's Entry of Default, and Plaintiff has filed a Second Amended Complaint - which we will file a Motion to Dismiss. We have not even examined any potential defenses with respect to proper service of process, and/or improper insufficient process. Furthermore, Plaintiff is not a borrower on the mortgage loan in question, and it appears that Plaintiff named his wife, Barbara Gibbs as a Defendant in an attempt to create some connection to the Bankruptcy Court, otherwise, the dispute appears to be between several non-debtors. Moreover, in addition to lack of subject matter jurisdiction, the Second Amended Complaint fails to state a claim for relief for a myriad of reasons. We will also file Responses to the Motion for Declaratory Judgment and Motion for Injunctive Relief. We will be present whenever the Court schedules hearings on these matters. Thank you.

**Paul A. Rogers**  
Attorney  
McGuireWoods LLP  
Promenade  
1230 Peachtree Street, N.E.  
Suite 2100  
Atlanta, GA 30309-3534  
T: +1 404 443 5636  
M: +1 770 722 8061  
F: +1 404 443 5772  
progers@mcguirewoods.com  
Bio | V-Card | www.mcguirewoods.com

**McGUIREWOODS**

From: Cynthia Eadon <Cynthia\_Eadon@gamb.uscourts.gov>  
Sent: Friday, September 13, 2019 3:19 PM

(Page 31 of 35)

Recording Requested By:  
Bank of America  
When recorded mail to:  
Bank of America, N.A.  
Document Processing Staff Code: TX2-979-01-  
19 Attn: Assignment Unit  
4500 Amon Carter Blvd.  
Fort Worth, TX 76146

Property Address:  
4257 MONTEREY DR  
FLORENCE, SC 29501

FILED  
2013 JAN 14 AM 9:16  
CONNIE FELL...  
CCCP & GS  
FLORENCE COUNTY, SC

**ASSIGNMENT OF MORTGAGE**

For Value Received, the undersigned holder of a Mortgage (herein "Assignor") whose address is 1800 TAPO CANYON ROAD, SIMI VALLEY, CA 93063 does hereby grant, sell, assign, transfer and convey unto NATIONSTAR MORTGAGE LLC whose address is 350 HIGHLAND DRIVE, LEWISVILLE, TEXAS 75067 all beneficial interest under that certain Mortgage described below together with the note(s) and obligations therein described and the money due and to become due thereon with interest and all rights accrued or to accrue under said Mortgage.

Original Lender: BANK OF AMERICA, N.A.  
Original Borrower(s): BARBARA A. GIBBS, AN UNMARRIED PERSON  
Date of Mortgage: 2/23/2005  
Original Loan Amount: \$329,599.00

Recorded in Florence County, SC on: 3/4/2005, book A 909, page 1711 and instrument number: [REDACTED]

IN WITNESS WHEREOF, the undersigned has caused this Assignment of Mortgage to be executed on  
Date: 1-3-13

BANK OF AMERICA, N.A.

By: Yolanda Rodriguez  
Yolanda Rodriguez  
Assistant Vice President

Witness: Lisa Ruiz

Witness: Cynthia Bono

State of California  
County of Ventura

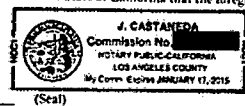
On JAN 03 2013 before me, J. Castaneda, Notary Public, personally appeared YOLANDA RODRIGUEZ

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public: J. Castaneda  
My Commission Expires: 01-17-15



Part 3: Loan Payment History from First Date of Default

A. Date	B. Contract Payment amount	C. Funds withheld amount	D. Amount loaned	E. Description	F. Contract due date	G. Prepaid interest	H. Amount to interest	I. Amount to escrow	J. Amount to charges	K. Unapplied funds	L. Principal balance	M. Interest balance	N. Fees/charges balance	O. Unapplied funds balance
12/1/2011	\$ 2,258.82			Monthly Mortgage Payment Due	12/1/2011		\$ 1,852.89			\$ 405.93	\$ 302,019.15	\$ 1,811.00		\$ -
12/1/2011				COUNTY TAX DISBURSED	12/1/2011						\$ 302,019.15	\$ 1,811.00		\$ -
12/1/2011				MISC ADJ	12/1/2011						\$ 302,019.15	\$ 1,811.00		\$ -
12/1/2011				MISC ADJ	12/1/2011						\$ 302,019.15	\$ 1,811.00		\$ -
12/1/2011				Monthly Mortgage Payment Due	12/1/2011						\$ 302,019.15	\$ 1,811.00		\$ -
1/1/2012	\$ 2,258.82			REGULAR PAYMENT	1/1/2012	\$ 445.05	\$ 1,810.84			\$ 202.56	\$ 301,573.52	\$ 1,715.55		\$ (0.00)
2/1/2012	\$ 2,258.82			REGULAR PAYMENT	2/1/2012	\$ 434.16	\$ 1,822.11			\$ 202.56	\$ 301,139.38	\$ 1,620.00		\$ (0.00)
3/1/2012	\$ 2,258.82			REGULAR PAYMENT	3/1/2012	\$ 423.27	\$ 1,833.38			\$ 202.56	\$ 299,706.01	\$ 1,524.45		\$ (0.00)
4/1/2012	\$ 2,258.82			REGULAR PAYMENT	4/1/2012	\$ 412.38	\$ 1,844.65			\$ 202.56	\$ 298,272.64	\$ 1,428.90		\$ (0.00)
5/1/2012	\$ 2,258.82			REGULAR PAYMENT	5/1/2012	\$ 401.49	\$ 1,855.92			\$ 202.56	\$ 296,839.27	\$ 1,333.35		\$ (0.00)
6/1/2012	\$ 2,258.82			REGULAR PAYMENT	6/1/2012	\$ 390.60	\$ 1,867.19			\$ 202.56	\$ 295,405.90	\$ 1,237.80		\$ (0.00)
7/1/2012	\$ 2,258.82			REGULAR PAYMENT	7/1/2012	\$ 379.71	\$ 1,878.46			\$ 202.56	\$ 293,972.53	\$ 1,142.25		\$ (0.00)
8/1/2012	\$ 2,258.82			REGULAR PAYMENT	8/1/2012	\$ 368.82	\$ 1,889.73			\$ 202.56	\$ 292,539.16	\$ 1,046.70		\$ (0.00)
9/1/2012	\$ 2,258.82			REGULAR PAYMENT	9/1/2012	\$ 357.93	\$ 1,901.00			\$ 202.56	\$ 291,105.79	\$ 951.15		\$ (0.00)
10/1/2012	\$ 2,258.82			REGULAR PAYMENT	10/1/2012	\$ 347.04	\$ 1,912.27			\$ 202.56	\$ 289,672.42	\$ 855.60		\$ (0.00)
11/1/2012	\$ 2,258.82			REGULAR PAYMENT	11/1/2012	\$ 336.15	\$ 1,923.54			\$ 202.56	\$ 288,239.05	\$ 760.05		\$ (0.00)
12/1/2012	\$ 2,258.82			REGULAR PAYMENT	12/1/2012	\$ 325.26	\$ 1,934.81			\$ 202.56	\$ 286,805.68	\$ 664.50		\$ (0.00)
1/1/2013	\$ 2,258.82			REGULAR PAYMENT	1/1/2013	\$ 314.37	\$ 1,946.08			\$ 202.56	\$ 285,372.31	\$ 568.95		\$ (0.00)
2/1/2013	\$ 2,258.82			REGULAR PAYMENT	2/1/2013	\$ 303.48	\$ 1,957.35			\$ 202.56	\$ 283,938.94	\$ 473.40		\$ (0.00)
3/1/2013	\$ 2,258.82			REGULAR PAYMENT	3/1/2013	\$ 292.59	\$ 1,968.62			\$ 202.56	\$ 282,505.57	\$ 377.85		\$ (0.00)
4/1/2013	\$ 2,258.82			REGULAR PAYMENT	4/1/2013	\$ 281.70	\$ 1,979.89			\$ 202.56	\$ 281,072.20	\$ 282.30		\$ (0.00)
5/1/2013	\$ 2,258.82			REGULAR PAYMENT	5/1/2013	\$ 270.81	\$ 1,991.16			\$ 202.56	\$ 279,638.83	\$ 186.75		\$ (0.00)
6/1/2013	\$ 2,258.82			REGULAR PAYMENT	6/1/2013	\$ 260.92	\$ 2,002.43			\$ 202.56	\$ 278,205.46	\$ 91.20		\$ (0.00)
7/1/2013	\$ 2,258.82			REGULAR PAYMENT	7/1/2013	\$ 251.03	\$ 2,013.70			\$ 202.56	\$ 276,772.09	\$ -0.35		\$ (0.00)
8/1/2013	\$ 2,258.82			REGULAR PAYMENT	8/1/2013	\$ 241.14	\$ 2,024.97			\$ 202.56	\$ 275,338.72	\$ -0.90		\$ (0.00)
9/1/2013	\$ 2,258.82			REGULAR PAYMENT	9/1/2013	\$ 231.25	\$ 2,036.24			\$ 202.56	\$ 273,905.35	\$ -1.45		\$ (0.00)
10/1/2013	\$ 2,258.82			REGULAR PAYMENT	10/1/2013	\$ 221.36	\$ 2,047.51			\$ 202.56	\$ 272,471.98	\$ -2.00		\$ (0.00)
11/1/2013	\$ 2,258.82			REGULAR PAYMENT	11/1/2013	\$ 211.47	\$ 2,058.78			\$ 202.56	\$ 271,038.61	\$ -2.55		\$ (0.00)
12/1/2013	\$ 2,258.82			REGULAR PAYMENT	12/1/2013	\$ 201.58	\$ 2,070.05			\$ 202.56	\$ 269,605.24	\$ -3.10		\$ (0.00)
1/1/2014	\$ 2,258.82			REGULAR PAYMENT	1/1/2014	\$ 191.69	\$ 2,081.32			\$ 202.56	\$ 268,171.87	\$ -3.65		\$ (0.00)
2/1/2014	\$ 2,258.82			REGULAR PAYMENT	2/1/2014	\$ 181.80	\$ 2,092.59			\$ 202.56	\$ 266,738.50	\$ -4.20		\$ (0.00)
3/1/2014	\$ 2,258.82			REGULAR PAYMENT	3/1/2014	\$ 171.91	\$ 2,103.86			\$ 202.56	\$ 265,305.13	\$ -4.75		\$ (0.00)
4/1/2014	\$ 2,258.82			REGULAR PAYMENT	4/1/2014	\$ 162.02	\$ 2,115.13			\$ 202.56	\$ 263,871.76	\$ -5.30		\$ (0.00)
5/1/2014	\$ 2,258.82			REGULAR PAYMENT	5/1/2014	\$ 152.13	\$ 2,126.40			\$ 202.56	\$ 262,438.39	\$ -5.85		\$ (0.00)
6/1/2014	\$ 2,258.82			REGULAR PAYMENT	6/1/2014	\$ 142.24	\$ 2,137.67			\$ 202.56	\$ 261,005.02	\$ -6.40		\$ (0.00)
7/1/2014	\$ 2,258.82			REGULAR PAYMENT	7/1/2014	\$ 132.35	\$ 2,148.94			\$ 202.56	\$ 259,571.65	\$ -6.95		\$ (0.00)
8/1/2014	\$ 2,258.82			REGULAR PAYMENT	8/1/2014	\$ 122.46	\$ 2,160.21			\$ 202.56	\$ 258,138.28	\$ -7.50		\$ (0.00)
9/1/2014	\$ 2,258.82			REGULAR PAYMENT	9/1/2014	\$ 112.57	\$ 2,171.48			\$ 202.56	\$ 256,704.91	\$ -8.05		\$ (0.00)
10/1/2014	\$ 2,258.82			REGULAR PAYMENT	10/1/2014	\$ 102.68	\$ 2,182.75			\$ 202.56	\$ 255,271.54	\$ -8.60		\$ (0.00)
11/1/2014	\$ 2,258.82			REGULAR PAYMENT	11/1/2014	\$ 92.79	\$ 2,194.02			\$ 202.56	\$ 253,838.17	\$ -9.15		\$ (0.00)
12/1/2014	\$ 2,258.82			REGULAR PAYMENT	12/1/2014	\$ 82.90	\$ 2,205.29			\$ 202.56	\$ 252,404.80	\$ -9.70		\$ (0.00)
1/1/2015	\$ 2,258.82			REGULAR PAYMENT	1/1/2015	\$ 73.01	\$ 2,216.56			\$ 202.56	\$ 250,971.43	\$ -10.25		\$ (0.00)
2/1/2015	\$ 2,258.82			REGULAR PAYMENT	2/1/2015	\$ 63.12	\$ 2,227.83			\$ 202.56	\$ 249,538.06	\$ -10.80		\$ (0.00)
3/1/2015	\$ 2,258.82			REGULAR PAYMENT	3/1/2015	\$ 53.23	\$ 2,239.10			\$ 202.56	\$ 248,104.69	\$ -11.35		\$ (0.00)
4/1/2015	\$ 2,258.82			REGULAR PAYMENT	4/1/2015	\$ 43.34	\$ 2,250.37			\$ 202.56	\$ 246,671.32	\$ -11.90		\$ (0.00)
5/1/2015	\$ 2,258.82			REGULAR PAYMENT	5/1/2015	\$ 33.45	\$ 2,261.64			\$ 202.56	\$ 245,237.95	\$ -12.45		\$ (0.00)
6/1/2015	\$ 2,258.82			REGULAR PAYMENT	6/1/2015	\$ 23.56	\$ 2,272.91			\$ 202.56	\$ 243,804.58	\$ -13.00		\$ (0.00)
7/1/2015	\$ 2,258.82			REGULAR PAYMENT	7/1/2015	\$ 13.67	\$ 2,284.18			\$ 202.56	\$ 242,371.21	\$ -13.55		\$ (0.00)
8/1/2015	\$ 2,258.82			REGULAR PAYMENT	8/1/2015	\$ 3.78	\$ 2,295.45			\$ 202.56	\$ 240,937.84	\$ -14.10		\$ (0.00)
9/1/2015	\$ 2,258.82			REGULAR PAYMENT	9/1/2015	\$ -6.11	\$ 2,306.72			\$ 202.56	\$ 239,504.47	\$ -14.65		\$ (0.00)
10/1/2015	\$ 2,258.82			REGULAR PAYMENT	10/1/2015	\$ -16.22	\$ 2,317.99			\$ 202.56	\$ 238,071.10	\$ -15.20		\$ (0.00)
11/1/2015	\$ 2,258.82			REGULAR PAYMENT	11/1/2015	\$ -26.33	\$ 2,329.26			\$ 202.56	\$ 236,637.73	\$ -15.75		\$ (0.00)
12/1/2015	\$ 2,258.82			REGULAR PAYMENT	12/1/2015	\$ -36.44	\$ 2,340.53			\$ 202.56	\$ 235,204.36	\$ -16.30		\$ (0.00)
1/1/2016	\$ 2,258.82			REGULAR PAYMENT	1/1/2016	\$ -46.55	\$ 2,351.80			\$ 202.56	\$ 233,770.99	\$ -16.85		\$ (0.00)
2/1/2016	\$ 2,258.82			REGULAR PAYMENT	2/1/2016	\$ -56.66	\$ 2,363.07			\$ 202.56	\$ 232,337.62	\$ -17.40		\$ (0.00)
3/1/2016	\$ 2,258.82			REGULAR PAYMENT	3/1/2016	\$ -66.77	\$ 2,374.34			\$ 202.56	\$ 230,904.25	\$ -17.95		\$ (0.00)
4/1/2016	\$ 2,258.82			REGULAR PAYMENT	4/1/2016	\$ -76.88	\$ 2,385.61			\$ 202.56	\$ 229,470.88	\$ -18.50		\$ (0.00)
5/1/2016	\$ 2,258.82			REGULAR PAYMENT	5/1/2016	\$ -86.99	\$ 2,396.88			\$ 202.56	\$ 228,037.51	\$ -19.05		\$ (0.00)
6/1/2016	\$ 2,258.82			REGULAR PAYMENT	6/1/2016	\$ -97.10	\$ 2,408.15			\$ 202.56	\$ 226,604.14	\$ -19.60		\$ (0.00)
7/1/2016	\$ 2,258.82			REGULAR PAYMENT	7/1/2016	\$ -107.21	\$ 2,419.42			\$ 202.56	\$ 225,170.77	\$ -20.15		\$ (0.00)
8/1/2016	\$ 2,258.82			REGULAR PAYMENT	8/1/2016	\$ -117.32	\$ 2,430.69			\$ 202.56	\$ 223,737.40	\$ -20.70		\$ (0.00)
9/1/2016	\$ 2,258.82			REGULAR PAYMENT	9/1/2016	\$ -127.43	\$ 2,441.96			\$ 202.56	\$ 222,304.03	\$ -21.25		\$ (0.00)
10/1/2016	\$ 2,258.82			REGULAR PAYMENT	10/1/2016	\$ -137.54	\$ 2,453.23			\$ 202.56	\$ 220,870.66	\$ -21.80		\$ (0.00)
11/1/2016	\$ 2,258.82			REGULAR PAYMENT	11/1/2016	\$ -147.65	\$ 2,464.50			\$ 202.56	\$ 219,437.29	\$ -22.35		\$ (0.00)
12/1/2016	\$ 2,258.82			REGULAR PAYMENT	12/1/2016	\$ -157.76	\$ 2,475.77			\$ 202.56	\$ 217,999.92	\$ -22.90		\$ (0.00)
1/1/2017	\$ 2,258.82			REGULAR PAYMENT	1/1/2017	\$ -167.87	\$ 2,487.04			\$ 202.56	\$ 216,562.55	\$ -23.45		\$ (0.00)
2/1/2017	\$ 2,258.82			REGULAR PAYMENT	2/1/2017	\$ -177.98	\$ 2,498.31			\$ 202.56	\$ 215,125.18	\$ -24.00		\$ (0.00)
3/1/2017	\$ 2,258.82			REGULAR PAYMENT	3/1/2017	\$ -188.09	\$ 2,509.58			\$ 202.56	\$ 213,687.81	\$ -24.55		\$ (0.00)
4/1/2017	\$ 2,258.82			REGULAR PAYMENT	4/1/2017	\$ -198.20	\$ 2,520.85			\$ 202.56	\$ 212,250.44	\$ -25.10		\$ (0.00)
5/1/2017	\$ 2,258.82			REGULAR PAYMENT	5/1/2017	\$ -208.31	\$ 2,532.12			\$ 202.56	\$ 210,813.07	\$ -25.65		\$ (0.00)
6/1/2017	\$ 2,258.82			REGULAR PAYMENT	6/1/2017	\$ -218.42	\$ 2,543.39			\$ 202.56	\$ 209,375.70	\$ -26.20		\$ (0.00)
7/1/2017	\$ 2,258.82			REGULAR PAYMENT	7/1/2017	\$ -228.53	\$ 2,554.66			\$ 202.56	\$ 207,938.33	\$ -26.75		\$ (0.00)
8/1/2017	\$ 2,258.82			REGULAR PAYMENT	8/1/2017	\$ -238.64	\$ 2,565.93			\$ 202.56	\$ 206,500.96	\$ -27.30		\$ (0.00)
9/1/2017	\$ 2,258.82			REGULAR PAYMENT	9/1/2017	\$ -248.75	\$ 2,577.							





**AFTER RECORDED RETURN TO:**

Bank of America, N.A.  
ATTN: Construction  
9000 Southside Blvd., Ste. 700  
Jacksonville, FL 32256  
PARCEL NUMBER: [REDACTED]  
LOAN NUMBER: [REDACTED]

Prepared by:  
Barbara Leuellen  
Robertson & Anschutz, P.C.  
10333 Richmond Avenue, Suite 550  
Houston, TX 77042  
713-871-9600

**NOTE AND SECURITY INSTRUMENT  
MODIFICATION AGREEMENT**

The State of South Carolina

County of Florence

KNOW ALL MEN BY THESE PRESENTS:

Recitals

This agreement ("Modification Agreement") is made on January 01, 2006, between Barbara A. Gibbs, a single woman, (herein "Borrower") and Bank of America, N.A. (herein "Lender"), whose loan servicing address is P.O. Box 9000, Getzville, NY 14068-9000, for a Modification of that certain Deed of Trust, Mortgage or Security Deed (the "Security Instrument") and Note executed on February 23, 2005, in favor of Bank of America, N.A. and any previous modification(s) thereof, said Note being in the original principal amount of \$329,600.00, said Security Instrument having been recorded in/under \_\_\_\_\_ of the Official Records of Real Property of Florence County, South Carolina, covering property described as follows:

See Exhibit "A" attached hereto and made a part hereof for all purposes

WITNESSETH:

WHEREAS, Borrower now desires to modify the Note and ratify said liens against the Property; and

WHEREAS, Lender, the legal owner and holder of said Note and liens securing same, in consideration of the premises and at the request of the Borrower has agreed to modify the Note as hereinafter provided; and

WHEREAS, Borrower and Lender desire that the Security Instrument and Note be modified as herein provided but that all terms not so modified remain unchanged and in full force and effect.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto agree that the Note and Security Instrument are hereby modified as follows:

The Note shall be and hereby is amended as follows:

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

Nationstar Mortgage LLC.

PLAINTIFF,

vs.

Barbara A. Gibbs, Melvin E. Gibbs, and Westbrook Phase IV Homeowner's Association,

DEFENDANT(S).

F13-02446

IN THE COURT OF COMMON PLEAS

COMPLAINT

(NON-JURY MORTGAGE FORECLOSURE)

C/A NO:

DEFICIENCY REQUESTED

2013 OCT 23  
ELECTRONICALLY FILED  
FLORENCE COUNTY, SC

6384

2013 CP 21 2795

- The Plaintiff, complaining of the Defendants above-named would respectfully show unto this Honorable Court:
1. That the Plaintiff is a limited liability company organized and existing under and by virtue of the laws of the State of Texas; and that the Defendants, Barbara A. Gibbs and Melvin E. Gibbs, are upon information and belief, citizens and residents of the County of Florence, State of South Carolina. That the Defendant, Westbrook Phase IV Homeowner's Association, is upon information and belief an association organized and existing under the laws of South Carolina.
  2. Any Defendant described herein as a judgment creditor(s) has, by filing the judgment(s), designated the attorney(s) entering the judgment(s) as their agent for service of process pursuant to the provisions of Section 15-35-840 of the S.C. Code of Laws (1976) as amended.
  3. That the real property hereinafter described, which is the subject of this action, is situated and located in the County of Florence, State of South Carolina.
  4. That on or about February 23, 2005, for value received, Barbara A. Gibbs did execute and deliver to Bank of America, N.A., a certain promissory note in writing according to the terms and conditions set out therein, wherein and whereby said Barbara A. Gibbs promised to pay to Bank of America, N.A. the sum of Three Hundred Twenty-Nine Thousand Six Hundred And 00/100 Dollars (\$329,600.00), together with interest thereon at the rate of Six And 375/1000 per cent (6.375%) per annum.
  5. That in order to better secure the payments of the said note and debt, in accordance with the terms and conditions thereof, Barbara A. Gibbs did execute and deliver on February 23, 2005 unto Bank of America, N.A., a mortgage covering the following described property:

**Legal description and property address:**

All that certain piece, parcel or tract of land in the County of Florence, State of South Carolina, containing 0.65 acres, more or less, designated as Lot 18 of Westbrook Subdivision, Phase IV, as shown on a map of Westbrook Subdivision, Phase IV, prepared by David A. Nesbitt, R.L.S., dated February 29, 2000, a copy of which is recorded in the office of the Clerk of Court for Florence County in Plat Book 73 at page 402. Said lot of land is more particularly bounded according to said plat as follows: North by Traces Golf Course as shown on the aforesaid plat for a distance of 176.98 feet; East by Lot 17 as shown on the aforesaid plat for a distance of 225.47 feet; South by Monterey Drive as shown on the aforesaid plat for a total distance of 98.38 feet; and west by Lot 19 as shown on the aforesaid plat for a distance of 209.02 feet.

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This being the same property conveyed to Barbara A. Gibbs by virtue of a Deed from West Florence Investment Group, a General Partnership, dated August 29, 2003 and recorded September 19, 2003, in Book A782 at Page 273 in the Office of the Register of Deeds for Florence County, South Carolina. Thereafter, this same property was conveyed to Barbara A. Gibbs and Melvin E. Gibbs by virtue of a Deed from Barbara A. Gibbs, dated November 30, 2006 and recorded November 30, 2006, in Book B059 at Page 510 in the Office of the Register of Deeds for Florence County, South Carolina.

4257 Monterey Drive, Florence, SC 29501  
TMS# 04915-01-018

6. Thereafter said mortgage was recorded in Book A909 at page 1711 on March 4, 2005 in the office of the Register of Deeds of Florence County.
7. The above referenced instrument constitutes a first lien priority mortgage.
8. Thereafter, by virtue of an assignment dated January 3, 2013, recorded January 14, 2013, in Mortgage Book B444 at page 1567, Bank of America, N.A. assigned said mortgage unto Nationstar Mortgage LLC, making Nationstar Mortgage LLC the present lien holder and Plaintiff herein.
9. Pursuant to South Carolina law, Plaintiff is entitled to enforce the terms of the subject note and mortgage.
10. That the Defendant, Melvin E. Gibbs, is made a party by virtue of being a titleholder of record by virtue of a Deed from Barbara A. Gibbs, dated November 30, 2006 and recorded November 30, 2006, in Book B059 at Page 510 in the Office of the Register of Deeds for Florence County, South Carolina.
11. That the Defendant, Westbrink Phase IV Homeowner's Association, is made a party by virtue of any homeowners liens or assessments recorded or unrecorded that are due or that may become due in the future.
12. According to the terms and conditions of the said note and mortgage, it is provided that in the event of default in the payment of any installment when due, and if such default is not made good prior to the due date of the next such installment, the entire principal and accrued interest shall at once become due and payable without notice at the option of the holder, and if the same should be placed in the hands of an attorney for collection, all costs of collection, including a reasonable attorney's fee, would be secured by the said mortgage as a part of the debt secured thereby.
13. That under the terms and conditions of said mortgage, it is provided that, together with, and in addition to, the monthly payments of principal and interest payable under the terms of the note secured thereby, the mortgagor will pay to the mortgagee, on the payment due date each month until the said note is fully paid, certain additional sums, including but not limited to, certain amounts for fire and other hazard insurance and taxes and assessments due on the mortgaged premises.
14. Further, under the terms and conditions of said mortgage, it was agreed that the mortgagor would pay all taxes, assessments, water rates and other governmental or municipal charges, fines or impositions for which provisions were not otherwise made, and if they failed to do so, the mortgagee might pay same, which amount, together with interest thereon, would be secured by said mortgage.
15. According to the terms of said mortgage, and as additional security, the mortgagor assigned all rents, issues and profits of the mortgaged premises from and after any default there under, and should legal proceedings be instituted pursuant to said mortgage, the mortgagee, its successors or assigns, was given the right to have a Receiver

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appointed of the rents, issues and profits, who, after deducting all charges and expenses attending such proceedings, and the execution of his trust as a Receiver, shall apply the residue of the rents, issues and profits, toward the debt secured by said mortgage.

16. The monthly payments due on said note and mortgage are in default since August 1, 2013, and the conditions of said note and mortgage have been broken and the Plaintiff elects to, and does declare the entire balance of said indebtedness due and payable, and that there is due on said note and mortgage as of August 1, 2013 the sum of Two Hundred Ninety-Two Thousand Five Hundred Nineteen And 20/100 Dollars (\$292,519.20), together with interest at the rate of Six and 375/1000 per cent (6.375%) per annum from July 1, 2013 and also for the costs and disbursements of this action, including attorney's fees.

17. That the Plaintiff does not waive but specifically demands judgment against the Defendant, Barbara A. Gibbs, for the full amount found to be due to Plaintiff on the note and mortgage held by plaintiff, with the right to enter personal judgment against the Defendant, Barbara A. Gibbs, for any deficiency in this action remaining after sale of the mortgaged premises.

18. That the servicer is participating in the Home Affordable Modification Program (HMP). The HMP modification process specified by the Guidelines or Supplemental Directive has been completed without resulting in a modification because the borrower failed to respond to the HMP solicitation.

19. That upon information and belief, certain costs for inspecting and securing the subject property have been incurred by the Plaintiff as a result of this delinquency and Plaintiff is informed and believes it is entitled to reimbursement for such charges, if any.

20. The notice of consumer's right to cure, as contemplated under S.C. Code Sections 37-5-110 and 37-5-111, has been given or is not required, and all conditions precedent to the acceleration of the debt and foreclosure of the mortgage have been performed or have occurred.

WHEREFORE, having fully set forth its complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and:

(1) That the amount due upon the said note and mortgage held by the Plaintiff be ascertained and determined under the direction of this Court, together with attorney's fees and costs of this action.

(2) That the said Plaintiff's mortgage be declared a first mortgage lien and that the said Plaintiff have judgment of foreclosure for the amount so found to be due and owing thereon, together with any taxes or insurance premiums which may be due, with a reasonable sum as attorney's fees and for the costs of this action.

(3) That the mortgaged premises be sold under the direction of this court, the equity of redemption be barred, and that the proceeds of sale be applied as follows:

First, to the costs and expenses of the within action and sale.

Second, to the payment and discharge of the amount due on Plaintiff's note and mortgage, together with attorney's fees as aforesaid, and

Third, the surplus, if any, be distributed according to law.



Fourth, Plaintiff have judgment against the Defendant Barbara A. Gibbs for the full amount found to be due Plaintiff on the note and mortgage, with right to enter personal judgment against the Defendant Barbara A. Gibbs for any deficiency in this action remaining after sale of the mortgaged premises.

(4) For an Order directing and empowering the Sheriff of Florence County, South Carolina, to place the successful purchaser at said foreclosure sale in possession of the property hereinabove described should the same become necessary.


(5) For an Order granting the appointment of a receiver to secure and supervise the rental of the property sought to be foreclosed.

(6) For reimbursement of all costs for inspecting and securing the property incurred by the Plaintiff as a result of the delinquency.

(7) For such other and further relief as may be just and proper.

(8) For an order satisfying any prior liens that may be of record, but have been paid in full.

KORN LAW FIRM, P.A.  
1300 Pickens Street  
P.O. Box 11264  
Columbia, S.C. 29211-1264  
(803) 257-5817

  
PETER D. KORN / JOHN S. KAY / DEAN HAYES  
JOHN B. KEI CHNER / SUZANNAH HAYES  
ASTLEY ZARRETT / KEVIN T. HARDY  
CHRIS S. TRULUCK / MICHAEL KALWAJTYS  
Attorneys for Plaintiff

Columbia, South Carolina  
October 21, 2013

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CHAPTER 13
BARBARA ALBYTINE GIBBS,	)	
Debtor.	)	CASE NO. 19-54809-WLH
-----	)	-----
BARBARA ALBYTINE GIBBS,	)	
Movant.	)	
vs.	)	CONTESTED MATTER
NATIONSTAR MORTGAGE LLC	)	
D/B/A MR. COOPER,	)	
Respondent.	)	

OBJECTION TO CLAIM OF  
NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER (CLAIM NUMBER 3-1)

COMES NOW, the above-referenced Debtor, and files this Objection to Proof of Claim filed by Nationstar Mortgage LLC D/B/A Mr. Cooper (hereinafter "Claim"), and in support herein shows the following:

1.

Debtor filed for relief under Chapter 13 on March 27, 2019.

2.

The Claim was filed June 5, 2019 (Claim Docket No. 3-1) in the sum of \$483,059.33.

3.

The claim lists an arrears owed of \$229,667.35, comprised of \$139,826.36 in principal and interest due, \$16,994.98 of fees and costs, \$67,148.14 of an escrow deficiency for funds advanced, and a \$6,352.87 projected escrow shortage with \$655 funds on hand. There has not been a justification for, or an accounting of the fees and costs incurred, or a breakdown of the pre-petition or post-petition escrow issues (contractual payment listed as \$2,056.27 from August 1, 2013 and increasing to \$3,326.84 with the April 1, 2019 payment).

**BANKS**

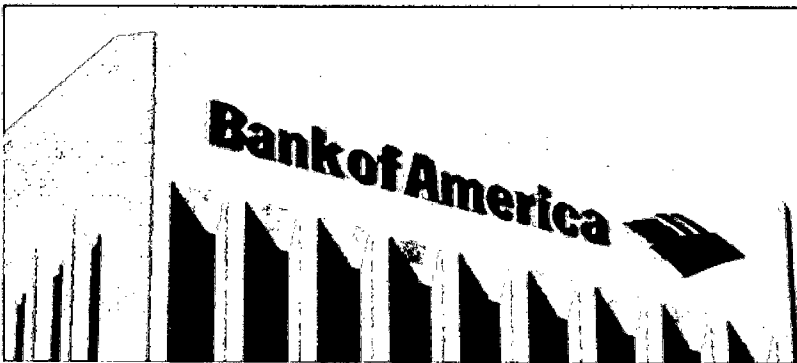
JANUARY 8, 2013 / 10:13 AM / UPDATED 9 YEARS AGO

# Exclusive: Bank of America to sell service rights on \$100 billion of mortgages

By Jessica Toonkel



NEW YORK (Reuters) - Bank of America Corp is looking to sell collection rights on at least another \$100 billion of mortgages after announcing similar deals for more than \$300 billion on Monday, according to two sources familiar with the situation.





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The CFPB estimates about 40,000 borrowers were harmed by Nationstar's allegedly unfair and deceptive practices, according to a statement released Monday. The proposed settlement with the CFPB requires Nationstar to pay \$73 million in restitution to affected borrowers, as well as a \$1.5 million civil penalty to the agency. When combined with the state settlements, Nationstar is on the hook to pay a total of \$91 million overall: \$85 million to harmed consumers and \$6 million in civil penalties.

If the settlements are approved by the D.C. district court, Nationstar will be required to immediately set aside about \$15.6 million to pay borrowers it has not yet remediated. The company has already paid about \$57.5 million in restitution to affected consumers,



Business News  
and Finance

VIEW IN APP



This is not the first time Nationstar has been the subject of federal and state investigations. In 2017, the CFPB fined Nationstar \$1.75 million for failing to report accurate data about its mortgage transactions. Several states also fined Nationstar in 2018 over failing to have proper procedures in place and "unfair and deceptive" mortgage modification policies.

Although Monday's case specifically addresses Nationstar's actions following the Great Recession, the outcome can affect today's homeowners, says Kwame Raoul, attorney general of Illinois. The economic challenges and burdens that homeowners currently face are similar to the ones experienced following the Great Recession. That's one reason why the settlement, particularly the provisions requiring



Business News  
and Finance

VIEW IN APP



From January 2012 to December 2016, the CFPB and 50 state attorneys general claim Nationstar, which is now doing business as Mr. Cooper, engaged in a number of unlawful practices in handling mortgages following the Great Recession. Specifically, the loan servicer failed to honor borrowers' loan modification agreements. Nationstar also allegedly foreclosed on borrowers with pending forbearance applications after promising not to do so and failed to properly handle escrow payments and accounting for homeowners who were in Chapter 13 bankruptcy proceedings.

# Bank of America sued for \$1 billion for defrauding Fannie Mae, Freddie Mac

**GlobalPost**

*October 24, 2012 · 5:08 PM UTC*

By **Talia Ralph**



Bank of America said on September 28, 2012, that it agreed to pay \$2.43 billion to settle a lawsuit related to its acquisition of Merrill Lynch.

Credit: Spencer Platt

THE WALL STREET JOURNAL.

# Bank of America, Freddie Mac in Talks to Settle Mortgage Dispute

Agency Wants Bank to Buy Back More  
Than \$1.4 Billion in Loans

*By Nick Timiraos And Shayndi Raice*

Updated Nov. 11, 2013 2:32 pm ET

 SHARE

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Freddie Mac and Bank of America are in settlement talks to resolve disputes over more than \$1.4 billion in faulty mortgages Freddie has said Bank of America should have to take back, according to people familiar with the matter.

The settlement talks with Freddie aren't related to separate litigation filed by the FHFA in 2011 in which the agency is seeking more than \$6 billion over allegedly misleading disclosures on some \$57.5 billion in securities sold by Bank of America and two subsidiaries, Countrywide Financial and Merrill Lynch & Co, which were acquired by the bank in 2008.

Freddie had \$1.4 billion in Bank of America repurchase demands as of Sept. 30, according to federal filings, the largest for any bank. That represented around 42% of all of Freddie's outstanding repurchase demands.

In January 2011, Bank of America agreed to a \$1.35 billion settlement with Freddie, but that deal included only loans sold by Countrywide. Bank of America's \$11.6 billion agreement with Fannie earlier this year included \$6.7 billion in loan repurchases. That followed a smaller \$1.5 billion deal with Fannie in 2011.

# M. Eugene Gibbs-Squires

4257 Monterey Drive  
Florence, South Carolina 29501  
(843) 610-0674  
E-Mail: [mgibbs70@aol.com](mailto:mgibbs70@aol.com)

October 28, 2013

Craig R. Valentine, Esq.  
HAGENS, BERMAN, SOBOL, SHAPIRO, LLP  
2301 East Pikes Peak Avenue  
Colorado Springs, C) 80909-6082

## **Re: *George, et. al., v. Bank of America***

Please find enclosed a copy of the suit I filed this day against Bank of America: said suit is (verbatim) based on the suit you filed July 10, 2013. Additionally, enclosed is a copy of the suit I've litigated for 18 years. The facts of the case may be obtained from my website: [www.mystolenart.com](http://www.mystolenart.com).

I began preparing the referenced case in May of this year. During my research, I discovered the case you filed: my discovery was made on or about July 18<sup>th</sup>. My participation in this litigation may be problematic, therefore I remain open to all suggestions you may make. The information contained is correct and exposes the largest art conspiracy in our history. AND exposes those at the pinnacle of our society....

On Wednesday, October 30, 2013, I will have a complete hip replacement at Duke University Hospital and will not serve any summons or take any action for a minimum of ten (10) days.

Basketball provides an appropriate cliché: If you don't know the players, you cannot keep the score! Thanking you in advance for your considerations....

With warm regards, I remain

M. AMel@ Eugene Gibbs-Squires

\_\_\_\_\_

**United States District Court  
For The Eastern District of New York**

UNITED STATES OF AMERICA, ex rel. )  
M. EUGENE GIBBS-SQUIRES, Esq., et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BANK OF AMERICA, N. A., et al., )  
 )  
Defendants. )

---

CIVIL ACTION NO.

**22-cv-00011-RPK-LB**

**ENTRY OF DEFAULT  
[Smithsonian Institution]**

To: Brenna B. Mahoney, Clerk:


It appearing that the complaint was filed in this case on the 3<sup>rd</sup> day of January 2022; that the summons, complaint and amended complaint were duly served upon the defendant, *Smithsonian Institution* on the 17<sup>th</sup> day of March 2022 and no answer or other pleading has been filed within 21 days by said defendant as required by law: the 21<sup>st</sup> day being the 7<sup>th</sup> day of April.

Therefore, upon request of the plaintiff, default is hereby entered this \_\_\_\_ day of April 2022, against the defendant, *Smithsonian Institution*, as provided in FRCP, Rule 55(a).

So entered:

Brenna B. Mahoney, Clerk

By \_\_\_\_\_  
Deputy Clerk

/s/ M. Eugene Gibbs-Squires  
M. Eugene Gibbs, Esq., Pro-se  
  
mgibbs70@aol.com



In 'De La Resistance' TV Series

Art, News & Politics, Race & Culture

# Smithsonian Announces Plan to Return Looted and Unethically Acquired Items

By Rashad Grove | May 5, 2022



**m e m o r a n d u m**

**TO: The File**

**FROM: Lenore Fein** 

**RE: Copyright Status for William H. Johnson**

**There is no direct transfer of copyright interests from the Harmon Foundation or other communication relating to copyright interests in the file, nor is there any other addressing of the copyright issue.**

**Most of these works were placed in the public domain when Mrs. Breeskin had them published in the William H. Johnson catalogue in 1971. Many have been exhibited prior to January 1, 1978 without copyright symbol.**

**The transfer of the works took place prior to 1978, but in New York, so it cannot be covered by the Pushman principle.**

**The spirit and intent of the letter from Miss Brown, Assistant Director of the Harmon Foundation, 4/19/67 offer of this gift, is that the collection should be made available to a wide audience. (Copy of this letter is attached).**

**Upon request for copyright clearance, each work should be checked for reproduction and exhibition history. For some, there will be no representations to be made as to copyright.**



NATIONAL MUSEUM OF  
AMERICAN ART  
Smithsonian Institution

allery Place  
gth and C Streets, N.W.  
ashington, D.C.

September 13, 1990

Mr. Guy Douyon  
Clerk's Office  
Estate Searches  
Surrogate's Court  
31 Chambers Street  
New York, New York 10007

Dear Mouyon:

With further reference to our telephone conversation of this morning, I am writing to request a copy of the Court Order from the mid-1950's (possibly 1956) in which paintings by William H. Johnson, who had been committed to a mental institution by the U. S. Government, were made the property of the Harmon Foundation in New York City.

I understand, since the National Museum of American Art is part of the Smithsonian Institution, a Federal Agency, that there is no fee for this search.

If you need any more information from me, please do not hesitate to call me at (202) 357-1382. Anything you can do to expedite this matter will be very much appreciated.

Sincerely,

Lenore Fein  
Records Manager  
Office of the Registrar

RECORDED  
FORM 415



SURROGATE'S COURT  
COUNTY OF NEW YORK  
31 CHAMBERS STREET  
NEW YORK, N. Y. 10007

SEP 26 1990

DEAR MS FEIN

RE - William H. Johnson

NO RECORD.

WE HAVE A:

William Johnson FILE # A 84415

160. BLEEKER St. N.Y.C.

D.O.B. FEB 8<sup>TH</sup>, 1957

DELIVERED Hospital N.Y.C.

Army - For the Public Administration

JOSEPH T. JOHNSON

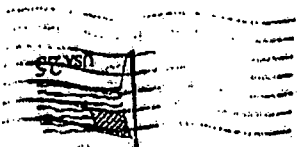
51. Chambers St. N.Y.C.

NO. Mentions of Painting

02. Harmon Foundation N.Y.C.  
IN Document on hand.

Sincerely

Ray Boyard



LEONORE FEIN

Record Manager  
Office of the Registrar  
National Museum of American Art.  
Smithsonian Institution  
Washington D.C. 20560

By October 1947, the U.S. Embassy in Oslo stepped into the case and decided that Johnson and his belongings would have to be returned to the United States. Nanna's flurry of letters to the Norwegian authorities failed in their attempt to keep Johnson in Norway: his mental incompetence, American citizenship, and the absence of any fiscally responsible guardians necessitated that the U.S. Government become the official custodian of his "personal interests."<sup>12</sup> In November, Johnson, his property, and a caretaker boarded the S.S. *Stavangerfjord*, for the transatlantic journey to New York.

Within a week of Johnson's return to the United States, all of his books, personal effects, paintings, and works on paper—as well as Holcha's art, and assorted drawings and prints by Christoph Voll, Oskar Kokoschka, and Edvard Munch—were placed in a locked wooden storage bin in a warehouse on New York's Franklin Street. Johnson's court-appointed attorney paid the rent on the storage space out of Johnson's savings and assumed overall responsibility for Johnson's finances.

On 1 December 1947, Johnson was admitted to Long Island's Central Islip State Hospital—New York State's largest mental health facility and, at one point, the second-largest institution of its kind in the world (fig. 197). Ironically, the syphilis spirochete—the root cause of Johnson's mental impairment—was first isolated by scientists at this same institution in 1913. By the time of Johnson's arrival, the hospital's vast acreage accommodated a patient population of almost 9,000, a network of buildings, a farm, and 1,700-plus employees.<sup>13</sup>

In a letter written in February 1955, Helen Harriton apologized for the five-year hiatus in her correspondence with Nanna Krake. In those intervening years, Helen explained, there had been very little for her to report regarding William H. Johnson's situation. "Willie," wrote Helen, "is still in an asylum or hospital in Central Islip. He is in a hopeless condition. He does no painting. He will not get well. It is very sad. But his work we have tried to save."

This last statement referred to Helen's efforts to reverse a decision by Johnson's court-appointed attorney to remove the artist's belongings from the Franklin Street warehouse and to "destroy everything." Johnson's savings (from which the attorney regularly drew to pay storage fees) were finally exhausted in 1955, explaining the decision to dispose of his things. But Helen Harriton's many inquiries to Johnson's attorney, and her eventual success at convincing the Harmon Foundation to act as the caretakers of Johnson's belongings, finally insured that his art and personal effects would not be lost.

To accept custody of Johnson's art in good faith, the foundation stipulated to the Surrogate's Court that it would have to have unconditional rights over the works. It was also agreed that there would be no profiting from his estate and that the foundation's use of his art would be for the dual purposes of advancing the cause of interracial understanding and promoting the achievements of African-Americans in the fine arts.<sup>2</sup> In her letter to Nanna, Helen explained how the foundation planned to accomplish this:

*We have agreed to pay the expense of having the heavy stuff moved to a place held by the Harmon Foundation, where a selection of paintings can be made by a few interested negro institutions. The Harmon Foundation gave help to Willi at various times, both before and after he was in Europe. Miss Brady is very kind and has put a great deal of effort into interesting the Negro institutions. But they will only accept the paintings as gifts—there is no money or interest in purchasing them. At any rate, in this way his best work will be saved from destruction.*

Almost one year later, the court finally accepted Mary Beattie Brady's offer, and a date was set to deliver the art to the foundation's offices. "It came," wrote Brady about the Johnson estate to a friend, "and believe me, I have never seen such mishandled stuff in my life." The content of Johnson's storage space—paintings, watercolors, drawings, prints,

Don Argott (Director) | Rated: **NR**

# The Art of the Steal

☆☆☆☆☆ (307) | **IMDb** 7.5/10.0

Amazon's Choice

for "art of the steal"



WILLIAM H. JOHNSON:  
TRUTH BE TOLD



STEVE TURNER & VICTORIA DAILEY



**HOMECOMING  
THE ART AND  
LIFE OF  
WILLIAM H.  
JOHNSON**



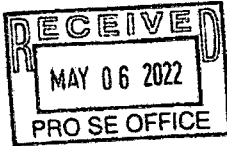
**RICHARD J. POWELL**  
Introduction by  
**MARTIN PURYEAR**

# The Other Side

David C. Driskell



African American Art in the  
Collection of Camille O. and  
William H. Cosby Jr.



**United States District Court**  
**For The Eastern District of New York**



UNITED STATES OF AMERICA, ex rel. )  
M. EUGENE GIBBS-SQUIRES, Esq., et al., )  
 )  
Plaintiffs. )  
 )  
v. )  
 )  
BANK OF AMERICA, N. A., et al., )  
 )  
Defendants. )

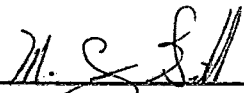
CIVIL ACTION NO.  
**22-cv-00011-RPK-LB**

**ENTRY OF DEFAULT**  
**[William "Bill" Cosby]**

To: Brenna B. Mahoney, Clerk:

It appearing that the complaint was filed in this case on the 3<sup>rd</sup> day of January 2022; that the summons, complaint and amended complaint were duly served upon the defendant, *William "Bill" Cosby*, on the 7<sup>th</sup> day of April 2022 and no answer or other pleading has been filed within 21 days by said defendant as required by law: the 21<sup>st</sup> day being the 28<sup>th</sup> day of April.

Therefore, upon request of the plaintiff, entry of default is hereby entered this \_\_\_\_ day of May 2022, against the defendant, *William "Bill" Cosby*, as provided in FRCP, Rule 55(a).

  
M. Eugene Gibbs, Esq., Pro-se  
[Redacted]  
[Redacted]  
mgibbs70@aol.com

So entered:  
Brenna B. Mahoney, Clerk

By \_\_\_\_\_  
Deputy Clerk

United States District Court  
For The Eastern District of New York

UNITED STATES OF AMERICA, ex rel. )  
M. EUGENE GIBBS-SQUIRES, Esq., et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BANK OF AMERICA, N. A., et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO.  
**22-cv-00011-RPK-LB**

**ENTRY OF DEFAULT  
[Smithsonian Institution]**

To: Brenna B. Mahoney, Clerk:

It appearing that the complaint was filed in this case on the 3<sup>rd</sup> day of January 2022; that the summons, complaint and amended complaint were duly served upon the defendant, *Smithsonian Institution* on the 17<sup>th</sup> day of March 2022 and no answer or other pleading has been filed within 21 days by said defendant as required by law: the 21<sup>st</sup> day being the 7<sup>th</sup> day of April.

Therefore, upon request of the plaintiff, default is hereby entered this \_\_\_\_\_ day of April 2022, against the defendant, *Smithsonian Institution*, as provided in FRCP, Rule 55(a).

So entered:

Brenna B. Mahoney, Clerk

/s/ M. Eugene Gibbs-Squires  
M. Eugene Gibbs, Esq., Pro-se



mgibbs70@aol.com

By \_\_\_\_\_  
Deputy Clerk

United States District Court  
For The Eastern District of New York

UNITED STATES OF AMERICA, ex rel. )  
M. EUGENE GIBBS-SQUIRES, Esq., et al., )  
) )  
Plaintiffs, )  
) )  
v. )  
) )  
BANK OF AMERICA, N. A., et al., )  
) )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO.

**22-cv-00011-RPK-LB**

**ENTRY OF DEFAULT**  
(Nationstar Mortgage d/b/a Mr. Cooper)

To: Brenna B. Mahoney, Clerk:

It appearing that the complaint was filed in this case on the 3<sup>rd</sup> day of January 2022; that the summons, complaint and amended complaint were duly served upon the defendant, *Nationstar Mortgage d/b/a/ Mr. Cooper*, on the 16<sup>th</sup> day of March 2022 and no answer or other pleading has been filed within 21 days by said defendant as required by law: the 21<sup>st</sup> day being the 6<sup>th</sup> day of April. AND, entry of Default having been perfected and the facts stated, infra,

Therefore, upon request of the plaintiff, default judgment is hereby entered this 7<sup>th</sup> day of April 2022, against the defendant, *Nationstar Mortgage d/b/a Mr. Cooper*, as provided in FRCP, Rule 55(b)(1).

*/s/ M. Eugene Gibbs-Squires*  
M. Eugene Gibbs, Esq., Pro-se  
3108 Hidden Falls Drive  
Buford, Georgia 30519  
(843) 610-0674  
mgibbs70@aol.com

So entered:  
Brenna B. Mahoney, Clerk

By \_\_\_\_\_  
Deputy Clerk

United States District Court  
For The Eastern District of New York

UNITED STATES OF AMERICA, ex rel. )  
M. EUGENE GIBBS-SQUIRES, Esq., et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BANK OF AMERICA, N. A., et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO.  
**22-cv-00011-RPK-LB**

ENTRY OF DEFAULT  
[Peter Stern]

To: Brenna B. Mahoney, Clerk:

It appearing that the complaint was filed in this case on the 3<sup>rd</sup> day of January 2022; that the summons, complaint and amended complaint were duly served upon the defendant, *Peter Stern* on the 21<sup>st</sup> day of March 2022 and no answer or other pleading has been filed within 21 days by said defendant as required by law: the 21<sup>st</sup> day being the 11<sup>th</sup> day of April.

Therefore, upon request of the plaintiff, default is hereby entered this \_\_\_\_\_ day of April 2022, against the defendant, *Peter Stern*, as provided in FRCP, Rule 55(a).

So entered:

Brenna B. Mahoney, Clerk

/s/ M. Eugene Gibbs-Squires  
M. Eugene Gibbs, Esq., Pro-se  
3108 Hidden Falls Drive  
Buford, Georgia 30519  
(843) 610-0674  
mgibbs70@aol.com

By \_\_\_\_\_  
Deputy Clerk



## The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

April 17, 2014

James G. Bogle, Jr., Esquire  
South Carolina Attorney General's Office  
Post Office Box 11549  
Columbia, South Carolina 29211

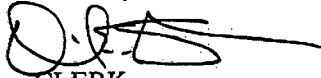
RE: Melvin Eugene Gibbs  
Appellate Case No. 2014-000210

Dear Counsel:

Enclosed please find copies of Mr. Gibbs' Motion for Return of Respondent's Stolen Medical Records and Amended Motion for Return of Respondent's Stolen Medical Records.

Within ten (10) days of the date of this letter, please file a return to the motions.

Yours truly,



CLERK

Enclosures

cc: ✓ Melvin Eugene Gibbs (w/o enc.)  
Lesley M. Coggiola, Disciplinary Counsel (w/o enc.)  
Deborah S. McKeown, Commission Counsel (w/o enc.)

## How To Combat: Dobbs v. Jackson WHO (Sup. Ct. No. 19-1392)

### Homemaker and Forced LABOR = \$\$\$

#### Women's Right to Choose (WRC)

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!

The Definition of forced labor:

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."

The Forced Labor Protocol (Article 1(3)) explicitly reaffirms this definition.

This definition consists of three elements:

- (1) Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.
- (2) Menace of any penalty refers to a wide range of penalties used to compel someone to work.
- (3) Involuntariness: The terms "offered voluntarily" refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time.

### 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.

Such situations must be tailored to allow WOMEN to file claim(s) with the US Department of Labor and/or other federal agencies for compensation to be withheld from funds designated to the offending states, i.e.:



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.

### **WOMEN and PROPERTY**

The US Supreme Court has granted WOMEN the unquestionable right to control their bodies: their PROPERTY; SLAVERY was abolished by the 13<sup>th</sup> Amendment and because Congress cannot overrule a decision of the Supreme Court, the leading case deciding property is **Dred Scott**, *see*:

**Dred Scott v. Sandford**, 60 U.S. (19 How.) 393 (1857):

“...In the Court's judgment, this would constitute the government depriving slaveowners [WOMEN] of their property—since slaves (fetuses) were legally the property of their owners—without due process of law, which is forbidden under the Fifth Amendment to the Constitution. Now, ... the right of property in a slave [fetus] is distinctly and expressly affirmed in the Constitution.

... Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States...is not warranted by the Constitution and is therefore void.” — Dred Scott, 60 U.S. at 451–52.

AND:

Ninth Amendment: The enumeration in the Constitution, of **certain rights**, shall not be construed to deny or disparage others **retained by the people**.

Tenth Amendment: The **powers** not delegated to the United States by the Constitution, nor prohibited by it to the States, are **reserved** to the States respectively, or **to the people**.

© **Pythagorean Exponent of Legalism**

**Pythagorean Theory:**  $\underline{A}^2 + \underline{B}^2 = \underline{C}^2$

**Exponent:** a symbol written above and to the right of a mathematical expression to indicate the operation of rising to a power.

The three (3) key drivers of behavioral change are: (1) Motivation and (2) Capability (Internal) factors, and (3) Oppportunity (External) factor: expressed as  $\underline{M}^2 + \underline{C}^2 = \underline{O}^2 \dots$

Motivation: Enthusiasm, Stimulation, Encouragement

Capability: Competence, Qualifications, Potential, Wherewithal

Oppportunity: Chance, Providence, Gateway, Break, Luck

**Legalism:** in ancient China was a philosophical belief that human beings are more inclined to do wrong than right because they are motivated entirely by self-interest and require strict laws to control their impulses. Legalism was developed by the philosopher Han Fei-zi (c. 280 - 233 BCE) of the State of Qin.

**Pythagorean Exponent of Legalism** (© M. Eugene Gibbs-Squires, Esq.): Human beings are inherently selfish – without a moral or spiritual foundation; which drives their desire towards unmitigated greed at the expense of a balanced society and require structured laws whose foundation rests on moral and spiritual integrity formed by intellectual & historical honesty; and must be re-solved:  $\underline{M}^{2(\text{ASE})} + \underline{C}^{2(\text{CQPW})} = \underline{O}^{2(\text{CPGBL})}$ .

PAIN CAN BE QUATIFIED

During a jury trial (1997) the judge stated that pain could not be quantified; I beg to differ. After the trial I began my research to create a method of litigating “pain and suffering” in a manner that jurors could understand quantified trauma.

When a 40-pound garden stone broke, fell 43 inches and crushed my client’s foot; I began my research:

$$E=mgh, E=(\frac{1}{2})kx^2, x=\text{sqrt}(2mgh/k), f=kx=\text{sqrt}(2mghk)$$

**AFFIDAVIT IN SUPPORT OF  
WRIT FOR INJUNCTION**

**STATE OF GEORGIA \*  
\*  
ss: GWINNETT COUNTY  
\***

I, **M. EUGENE GIBBS**, do solemnly declare and affirm under the penalties of perjury under the laws of the United States of America that the foregoing is true and correct, pursuant to 28 U.S. Code § 1746: this 8<sup>th</sup> day of August 2022.

1. I, M. Eugene Gibbs-Squires, Applicant in the above-entitled action, respectfully move this Justice to issue an order enjoining Respondents from causing Applicants mental and/or physical; Order Immediately, Respondents return Applicant M. Eugene Gibbs' stolen medical records; to dismiss all foreclosures and bankruptcy claims in which Applicants and Homeowners paid their mortgage prior to the foreclosures; Order Nationstar to remove any and all negative credit information entered on Applicant Barbara Gibbs' credit report; Order Nationstar to refinance the mortgages of Applicants homes and provide two mortgages to allow Appellants to move and purchase a home for Applicants' grandchildren; provisionally reinstate Applicant Gibbs' license before the Second Circuit Court; and Order the SC Supreme Court to provisionally reinstate applicant Gibbs' law license – until a final disposition on the merits of this litigation.

2. *Gibbs is a retired New York City police officer, illegally disbarred attorney, and 35-year employee of the Department of Defense.*

3. Unless the injunction is issued, Applicants will suffer immediate and irreparable injury and/or DEATH: as shown by the following facts.

4. IF THE ILLEGAL ACTS OF RESPONDENTS ARE NOT ENJOINED[T]HEIR ILLEGAL CONDUCT WILL RESULT IN MY WIFE'S DEATH. The stress and strain of Respondents illegal foreclosure: litigated over 10 years has caused Applicant Barbara Gibbs' health to deteriorate to the extent that her doctor fears a stroke and/or heart attack.

5. If this Honorable Court fails to grant the DEMANDED RELIEF – Gibbs will be murdered or forced to commit SUCIDE! Gibbs will be MURDERED for refusing to accept a \$5 million BRIBE to allow the PHEDOPHILES to continue: RAPING OUR CHILDREN and the crimes enumerated herein!

6. In or about May 2003, Gibbs filed a motion for TRO and Injunction. Gibbs informed the court he would be arrested, and his law firm destroyed if the relief was not granted. Gibbs was arrested August 2003 and the judge denied said motions November 2003.

7. An FBI agent lied to obtain Gibbs' arrest warrant. USA Rod Rosenstein by and through AUSA James Trusty (District of Maryland) FALSIFIED the grand jury indictment as to a nonexistent crime.

8. Prior to discovering Gibbs was litigating the ART CASE, AUSA Trusty informed Judge Day (District of Maryland) [August 2003], "As I understand the law, these charges – they do not constitute a crime...and in Attorney Gibbs' 60 years we

cannot find so much as a parking ticket.”

9. Gibbs was denied bail: inconsistent with the Bail Reform Act; AUSA Trusty used Gibbs’ stolen psychiatric medical records to convince the judge to use a motions hearing to forego providing Gibbs a competency hearing and commit Gibbs for a mental evaluation. For 13 months; TORTURED for months at Baltimore’s SuperMax Prison and forced to confess to a crime than never occurred; to wit:

10. Gibbs was kept in a cell 23 hours a day where temperatures reached 105 degrees: 80% of Gibbs’ lungs were destroyed by disease (Sarcoidosis), Gibbs’ chest felt as if it would explode;

11. Forced to stand on a tarmac in 32-degree weather wearing nothing but a tee- shirt, pants and “flip flop” sandals;

12. Forced to undergo sleep deprivation on days Gibbs had court hearings, denying Gibbs the ability to prepare for court proceedings;

13. Denied access to the law library; Gibbs’ motions and other pleadings destroyed;

14. Transported (summer) in a “tin can” truck and the air condition turned off – Gibbs nearly died;

15. Transported (winter) and the heat was turned off – Gibbs can still hear the screams through the metal partition of the female inmate transported with me.

16. Due to the Justice Department’s instructed torture: Gibbs lost 75% of [h]is mental and intellectual capacities. Gibbs has been reduced to telling his wife, “If I remember I’m married to you and my name, it’s a good day.”

17. To stop Gibbs' litigation to recover stolen art having an estimated value of \$50 billion, protect William "Bill" Cosby: rape and pedophilia, the Smithsonian Institution, the Michael Rosenfeld Art Gallery, foundations, and others named, *infra*, attorneys engaged in crimes, to wit:

18. Respondents filed a criminal complaint against Gibbs with the Internal Revenue Service (IRS); IRS rejected the complaint after discovering it was filed for an improper purpose;

19. Thereafter, Respondents had federal investigators come to the Court [Florence County Court] under the guise of conducting a legitimate investigation in order to obtain improper information. After gaining information, they used the information as follows: My law partners: Scott & Redmond [GIBBS, SCOTT & REDMOND] were told Gibbs was under criminal investigation and if they informed Gibbs of their interrogations, they could be arrested for divulging an official investigation. They wanted "anything" that could be used against Gibbs.

20. Gibbs' mother-in-law, in her 80s, was having effects from prior open-heart surgery. Gibbs stayed with her for a few weeks when Gibbs opened his law practice. The investigators informed Gibbs' mother-in-law that because Gibbs had lived with her and she had not reported [i]t to the Social Security Administration, she would be arrested if she didn't provide information about Gibbs.

21. The investigators went to Applicant Barbara Gibbs' place of employment (Springbrook High School, Silver Spring, Maryland) and demanded her principal have her come to the office. Upon arriving in the office Gibbs' wife was

informed she could be arrested for not being truthful and wanted information about a case Gibbs was litigating illegally.

22. The investigators threatened one of Gibbs' sisters-in-law and several friends with prosecution if they did not provide negative information about Gibbs.

23. In conjunction with these efforts, they had Attorney Peter Stern file multiple frivolous complaints with the South Carolina Bar – Peter Stern joined and combined with the SC attorney general. And used Gibbs' stolen medical records to attempt to have Gibbs disbarred.

24. United States Attorney Rod Rosenstein by and through AUSA James Trusty and others not known to Gibbs, spread rumors in the Federal District Court of Maryland: with judges and the US Marshall Service, that Gibbs had threatened a judge.

25. When Gibbs was arrested, Respondents attempted to locate a judge who would agree Gibbs threatened them but failed. As a back-up plan Respondents went to the Department of Labor (DOL) and attempted to have an employee testify concerning a dispute over benefits. DOL refused to have an employee lie before a grand jury. Thereafter, DOL has paid Gibbs more than \$500,000.

26. Having failed in their attempts to find a witness to present to the grand jury, United States Attorney Rod Rosenstein by and through AUSA James Trusty falsified the grand jury indictment. Gibbs' DOL medical records prove DOL never made a complaint of a threat or caused an employee to testify during a grand jury.

27. When Gibbs was arrested and tortured it was a relief from five (5) years of living HELL: For five (5) years Gibbs knew he would be arrested or murdered. Every day of Gibbs' life was consumed by being destroyed and not being able to obtain help from courts, law enforcement, public figures, members of Congress, or Civil Rights Organizations.

28. Having been TORTURED, Gibbs' mental ability has been reduced to about 25% of what Defendant's ability was prior to being TORTURED! AND, Respondents continued use of the courts to destroy Gibbs continues....

29. While being tortured in general and being held in a cell in which temperatures exceeded 105 degrees in particular, Petitioner almost DIED! Respondents knew Sarcoidosis had destroyed 80% of Petitioner's lung capacity.

30. After 20 years, Gibbs is still haunted by the screams of the female prisoner being transported in sub-freezing weather and the heat being turned off in the "steel cage" to torture Petitioner. Petitioner cannot sleep without the benefits of "sleeping" pills.

31. Judge Kovner "ruled," because Applicants sued based on Bank of America having denied Appellants' application for mortgage modification (HAMP) in Colorado and Maryland, res judicata and collateral estoppel bars the instant suit.

32. Applicants have, not now, or ever sued Bank of America for having denied Applicants' application for mortgage modification. Bank of America has never denied Appellants' application. Appellants are "still" waiting for Bank of



America to either approve or deny Applicants' mortgage modification application (HAMP).

33. Bank of America has "never" notified Applicants [t]hey sold Applicants' mortgage. Gibbs discovered Bank of America sold Applicants' mortgage to Freddie Mac, while investigating mortgages on Freddie Mac's website and communicating with the office of the Inspector General (FHFA).

34. Respondents have maintained the foreclosure litigation for nine (9) years: including and up to today: despite having Appellants' bank records AND Respondents "own" records – self-proving Applicants never missed a mortgage payment; and self-proving of Respondents' PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURTS.

35. Respondents (Nationstar) Proof of Claim (POC) shows Applicants paid their mortgage for the months of July, August, and September 2013. This directly contradicts the verified complaint Respondents (Nationstar) filed to foreclose on Applicants' home: 4257 Monterey Drive, Florence, South Carolina 29501.

36. Gibbs filed an injunction before Judge Hagenau, August 2019 to move and assist Gibbs' grandchildren. Judge Hagenau joined and combined with Respondents to prevent Respondents Default – costing Respondents hundreds of millions of dollars.

37. Judge Hagenau refusal to act on Gibbs' injunction; preventing Gibbs from assisting his grandson. Gibbs' grandson died August 22, 2020.

38. Gibbs' wife has a heart defect and suffers from HIGH BLOOD PRESSURE. Night after night Gibbs awakens finding his wife sweating and her lips trembling, and her asking, "Why are they stealing our home?"

39. Gibbs' wife [80 years old] was rushed to the Hospital EMERGENCY ROOM when [h]er blood pressure reached 211/92; currently [h]er doctors are working to stabilize [h]er blood pressure from an average of 178/85.

40. Gibbs fears the criminal acts of Appellees will be the cause of Gibbs' wife to suffer a heart attack, stroke, or death....

41. Gibbs informed Judge Michael Nettles [Motion to Dismiss December 2013] the Appellees' illegal foreclosure litigation was filed to prevent Gibbs from exposing the HAMP-less Gang's multi-billion fraud of Appellants, 2 million (10 million) Homeowners, the Treasury Department, Fannie Mae, and Freddie Mac; and Appellees were committing PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURT, and joined and combined with the 5<sup>th</sup> Avenue Art Gang.

42. Gibbs' Adverse Proceeding placed Chief Judge Hagenau and Ms. Eadon on notice the Appellees' illegal foreclosure litigation was filed to prevent Gibbs from exposing the HAMP- less Gang's multibillion fraud of Gibbs, 2 million (10 million) Homeowners, the Treasury Department, Fannie Mae and Freddie Mac; and Appellees were committing PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURT, had joined and combined with the 5<sup>th</sup> Avenue Art Gang and was using Judge Hagenau's court in furtherance of their criminal enterprise.

43. Gibbs filed suit in Federal District Court for the Southern District of New York to recover more than 2,000 works of art, having an estimate value of \$10 billion, stolen from the African American Artist William H. Johnson: the litigation was filed 27 years ago.

44. During litigation Respondents' attorneys (Appellee Peter Stern, Esq.) filed three (3) motions for sanctions against Gibbs. Judge Constance Baker Motley denied the motions. If Gibbs had engaged in any misconduct Judge Motley and only Judge Motley had jurisdiction over sanctions: this was an active case.

45. Defendants filed three (3) motions for sanctions in the US 2<sup>nd</sup> Circuit Court of Appeals; all denied. Justice Sonya Sotomayor sitting on the last panel stated, "Attorney Gibbs has an obligation to pursue this case. His failure to do so may rise to ineffective assistance of counsel."

46. Ms. Broun, Director (Smithsonian American Art Museum) formed a [criminal] enterprise with William "Bill" Cosby; Dr. David Driskell; Dr. Richard Powell and the Michael Rosenfeld (Art) Gallery [5th Avenue PEDOPHILE Art Gang] and set in motion events to conceal facts, revealing the Smithsonian knowingly possessed and violated the Copyright of \$10 billion of stolen Black Art, and allowed Bank of America to participate in the "stolen" art; which allowed BOA to acquire "information" used to steal \$3 billion.<sup>1</sup>

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<sup>1</sup> Each criminal act was committed in furtherance of: bribery, sex crimes, theft, fraud, money laundering, kidnapping, false imprisonment, and obstruction of justice, affected interstate commerce and was done so using mail and wire communications.

47. In or about 1950 Mary Beatie Brady and Evelyn Brown of the Harmon Foundation, joined and combined with Helen Harrington to steal 2,000 works of art (by William H. Johnson) belonging to Alice Johnson, from US Customs, Savannah, Georgia. Thereafter, the Harmon Foundation transferred the stolen Johnson artwork (allegedly given to the Harmon Foundation by the Surrogate Court, New York City) and 1,000 works of art by 200 Black Artists to the Smithsonian.

48. In or about 1990, to clarify ownership and copyright of said art, Lenore Fine (Smithsonian) wrote to the Surrogate Court, New York City. Mr. Guy Douyon, Clerk's Office (Surrogate Court, NYC) informed Ms. Fine the court never adjudicated a case involving William H. Johnson. Immediately, Ms. Broun joined and combined with Dr. David Driskell, Dr. Richard Powell, Michael Rosenfeld (Gallery) and Bill Cosby to form the 5th Avenue PEDOPHILE Art Gang.<sup>2</sup>

49. Part and partial to the [criminal] enterprise, Dr. Powell was assigned the task of writing a book, Homecoming: The Art and Life of William H. Johnson, to establish a false provenance for the stolen artwork. Bill Cosby and Ms. Broun used the criminal enterprise to provide stolen art to known PEDOPHILES, including but not limited to judges, NAACP, politicians: including but not limited to members of the

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<sup>2</sup> Petitioner was informed by and believes an FBI agent that Bill Cosby may have been "used" by the Justice Department and FBI Director, J. Edgar Hoover, to "spy" on Dr. King and the Civil Rights Movement; insulating Cosby from being prosecuted for [h]is known rapes and PEDOPHILIA.

Congressional Black Caucus (CBC) and Al Sharpton. Then arranged for the Rosenfeld Gallery to sell the stolen artwork at “market value” and give partial proceeds to said individuals as BRIBES. The criminal enterprise laundered proceeds by procuring children for sex: purchasing private jets, islands, mansions and 5 Star accommodations to engage in illegal sex acts with said children. Bill Cosby arranged for his friend (President Clinton) to grant a Presidential Pardon to Rick Hendrick on behalf of Respondent Bank of America (Hugh McColl, CEO) for a \$500,000 donation to the Clinton Foundation and \$\$\$ hundreds of millions of dollars of stolen art being transferred to BOA and Hugh McColl. In turn Bank of America contributed tens of millions of dollars to support the Smithsonian and Bill Cosby: Quid Pro Quo.

50. The Justice Department, by and through Gibbs’ litigations, knew Bill Cosby was engaged with PEDOPHILIA and the RAPES of more than 100 women. AND the Justice Department refused to prosecute Bill Cosby – to protect Cosby having worked for the Justice Department; protect the Smithsonian Institution’s possession of \$10 billion of stolen art; and protect judges and politicians “operating” with and/or involved with the 5th Avenue PEDOPHILE Art Gang. For 27 years the PEDOPHILES have continued to fund their criminal enterprises with funds generated through the Rosenfeld Gallery and “Does,” by transporting (selling) stolen art across state lines using wire and mail communications – all of which affects interstate commerce.

51. In or about 1995 Gibbs was retained by the heirs of William H. Johnson to represent Mr. Johnson's Estate. During Gibbs' year-long investigation, Gibbs discovered more than 2,000 Johnson works of art were stolen from US Customs, Savannah, Georgia, by the Harmon Foundation, and the Foundation had also stolen 1,000 works of art by 200 Black Artists. In or about 1996, Gibbs initiated investigations by the FBI (Art Theft Unit, Queens, NY) and Inspector General (Smithsonian) and filed suit in the Southern District of New York. An FBI agent informed Gibbs [t]heir investigation identified a curator at the Smithsonian who abruptly left to assist with "the family" restaurant business, but the investigation was ended by AUSA Neil Corwin's request to the USA Attorney EDNY. An assistant inspector general provided Gibbs: Smithsonian documents (self-proving) Ms. Broun knew 3,000 works of art were stolen and the Smithsonian knew [t]hey did not have the Copyright to said art. AND, the IG would demand Congress force the Smithsonian to turn over documents withheld or face sanctions. Thereafter, the Asst. IG informed Petitioner the investigation was abruptly terminated, and he was instructed to have no further contacts with Petitioner.

52. Ms. Broun used her connection to the Board of Regents (Smithsonian Institution) and joined and combined with Bill Cosby, Peter Stern, Esq., and AUSA Neil Corwin, to terminate the investigations.<sup>3</sup> Ms. Broun joined and combined with

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<sup>3</sup> Smithsonian Institution's Board of Regents: Chancellor, Chief Justice, US Supreme Court; Vice-president; 3 Senators; 3 Representatives; and 9 civilians (representing the most powerful corporations). Gibbs does not imply: explicit or implicit, a member(s) of the Board assisted Ms. Broun. In fact, Gibbs STIPULATES: it would have been very easy for Ms. Broun to use a chief of staff, clerk

Peter Stern, Esq., and individuals at the Justice Department to sabotage Gibbs' ongoing civil litigation (SDNY) by investigating Gibbs in this district [EDNY] and having Gibbs' medical records stolen from this district [EDNY] and other districts in [t]heir efforts have Gibbs disbarred.

53. Peter Stern, Esq., after Judge Motley and the US 2nd Circuit Court of Appeals denied sanctions filed against Gibbs, three (3) times, improperly filed attorney misconduct charges against Gibbs and sent Gibbs' stolen medical records to the South Carolina attorney general. Gibbs' stolen medical records were given to Assistant Attorney General James Bogle. Mr. Bogle provided said records to a South Carolina doctor. Said doctor notified Gibbs; [h]e was instructed to schedule an evaluation for Petitioner and did have Petitioner's medical records. Appellees failed to have Gibbs disbarred.

54. In or about 2003, having failed to have Gibbs disbarred, the Justice Department had Gibbs falsely arrested by and through USA Rod Rosenstein. AUSA James Trusty stood before Judge Day (District of Maryland) and stated, "These charges, as I understand them, do not constitute a crime...in Attorney Gibbs' 60 years – we haven't been able to find a parking ticket."

55. USA Rod Rosenstein directed Mr. Trusty to convene a grand jury and indict Gibbs, although there was no victim, no crime, and no witness. Over the

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or other employee to assist in her criminal enterprise.

course of 13 months USA Rosenstein had Gibbs tortured at SuperMax prison (Baltimore, Maryland and forced Gibbs to confess to a crime that never occurred.

56. Gibbs' claims manager at the Department of Labor (DOL) informed Gibbs: DOL did not file a complaint against Petitioner as alleged by Rosenstein; that Petitioner never threatened anyone at DOL; DOL did not provide a witness to appear before the grand jury; and DOL would not honor [t]heir request to: not file a report to Petitioner's file; and DOL provided Rosenstein a copy of the Secretary's award to Petitioner of \$175,000; negating the "motive" Petitioner had threatened the Secretary (DOL) over a denied claim for money.

57. In or about 2013 Bank of America discovered Gibbs was investigating-filing suit under RICO and said RICO litigation would uncover Bank of America's connection to the 5th Avenue PEDOPHILE Art Gang and Bank of America's theft of \$3 trillion. Bank of America, Nationstar Mortgage, and others, after having formed the HAMP-less Gang to steal \$3 billion, joined and combined with the 5th Avenue PEDOPHILE Art Gang to prevent Gibbs from recovering the \$50 billion in stolen art and exposing the theft of \$3 trillion. Nationstar, aided by the South Carolina attorney general, and Judge Nettles, was tasked to file an illegal foreclosure suit against Gibbs to ensure Gibbs did not have means to pursue viable litigation. Judge Nettles has permitted Nationstar to force Gibbs to defend [t]heir illegal foreclosure.



58. Bank of America “allegedly” paid more than \$10 [b]illion in BRIBES to public officials, politicians and judges who place greed before duty. ...10,000 Homeowners have committed suicide during this Housing Crisis, three (3) each day.

59. Hugh L. McColl Jr., Chairman and CEO of Bank of America, (1998-2001): McColl Art Center - Based in Charlotte, NC; One of their donors is Bank of America, two Bank of America Executives are on their Board of Directors (Trina Drayton & Casey Smith). After retiring from Bank of America in 2001, McColl opened Charlotte-based McColl Fine Art in 2003 and partnered to create New York-based MME Fine Art in 2005.

60. All, art related “enterprises” were made possible by Bank of America’s association formed with Appellees (5th Avenue PEDOPHILE Art Gang and HAMP-less Gang); under the guise of assisting minorities....

61. While investigating the art stolen from William H. Johnson, Gibbs discovered 1,000 works of art having an estimated value of \$10 billion were stolen from 200 Black artists. AND Gibbs discovered a conspiracy to “illegally take” the Dr. Barnes Art Trust from Lincoln University (HBCU): the Dr. Barnes Art Trust has an estimated value of \$30 billion.

62. Prior to filing the “art” case in 1996, Gibbs reviewed thousands of documents at the Library of Congress, National Archives and Smithsonian Institution. Petitioner interviewed hundreds of government employees, FBI agents, assistant US attorneys, assistant Inspector Generals, art dealers, art professors,

curators, legal scholars, books, and articles.

63. Art litigation cannot be valid by suing under the term “artwork” – the artwork must be named! You cannot recover the “Mona Lisa” by suing for the “Artwork” of Leonardo da Vinci; or artwork of Pablo Picasso; or artwork of Rembrandt. Likewise, the artwork of William H. Johnson and two hundred (200) Black artists cannot be litigated by the term, “Artwork.”

64. Gibbs has never litigated any artwork in which a final judgment was reached as to a specific “piece” of artwork produced by William H. Johnson or other artist(s).

65. BOA’s complex scheme designed to steal \$3 trillion from the government and ten (10) million Homeowners: required six (6) years of investigation for Gibbs to unravel the full extent of BRIBES, financial fraud, extortion, obstruction of justice, money laundering and sex crimes.

66. The facts articulated by Gibbs are verified and/or validated by: Documentary: The Art of the Steal, Don Argott, reveals a critical part of Respondents’ conspiracy; Homecoming: The Art and Life of William H. Johnson, Richard J. Powell, the book itself is a violation of Copyright Law 17 USC §§ 501 & 504, and certifies more than 1,200 of the stolen works of art are retained by the Smithsonian; The Other Side of Color, David C. Driskell (African American Art in the Collection of Camille O. and William “Bill” H. Cosby, Jr.): violation of Copyright Law 17 USC §§ 501 and 504, and stolen art is documented in the book; William H.

Johnson: Truth Be Told, Steve Turner & Victoria Dailey; Turner & Dailey provide the same documented proof as presented by Petitioner – exposing the art conspiracies: documenting the roles of the Smithsonian Institution, David C. Driskell, Richard J. Powell and others; and providing the location of more than 1,500 works of stolen Black Art.

67. Gibbs discovered Attorney Peter Stern, who represented the Michael Rosenfeld Art Gallery (fenced the stolen art) hired a private investigator who stole Gibbs' medical records from Connecticut. Gibbs' doctor (Maryland) died of Cancer (1999) and his records were stored in Connecticut. Attorney Stern provided the stolen medical records to the SC attorney general. Gibbs informed the attorney general the records were stolen and demanded their return.

68. The SC attorney general refused to return Gibbs' stolen medical records; and joined and combined with Peter Stern to have Gibbs disbarred.

69. Assistant Attorney General James Bogle retained a Columbia, South Carolina psychiatrist and scheduled an appointment for Gibbs to be examined. The psychiatrist called Gibbs to arrange an appointment. Gibbs inquired as to whether the doctor required Gibbs' medical records: Gibbs was suspicious of the call. The psychiatrist informed Gibbs AAG Bogle had provided Gibbs' medical records. Gibbs hung up the phone and had no further contact with the doctor.

70. Thereafter, Gibbs was informed several South Carolina politicians had obtained more than \$30 million dollars of the stolen art from the Smithsonian

Institution and the attorney general was seeking to protect those politicians.

71. On multiple occasions Gibbs notified the SC attorney general of Bank of America and Nationstar's criminal foreclosures against Appellants and other South Carolina citizens. Gibbs reminded the attorney general South Carolina [h]e received \$30 million dollars as part of a consent decree with Bank of America (2012).

72. After years of frustration Gibbs sued the South Carolina attorney general in the Maryland litigation (2017) to ensure that the attorney general could not plead ignorance of the crimes being committed by Bank of America and Nationstar.

73. On December 7, 2020, the SC attorney general entered into a \$91 million dollar consent decree, the attorney general was fully aware of the crimes being committed against Gibbs: the same crimes the consent decree was designed to stop. Yet, the SC attorney general did not require Nationstar to cease the criminal acts being committed against Appellants, did not take any action against Nationstar, or notify the court Nationstar was actively engaged in a continuing criminal enterprise designed to destroy Gibbs and conceal the theft of \$3 trillion dollars.

74. The Inspector General (Smithsonian Institution) provided Gibbs evidence proving the Smithsonian knew "they" had \$10 billion in stolen Black art – thereafter the IG's investigation was shut down. AUSA Neil Corwin (SDNY) in concert with the US Attorney (EDNY) "shut down" the FBI investigation initiated

by Gibbs: and Gibbs filed fifteen (15) complaints with the FBI – thereafter Gibbs was falsely arrested, illegally indicted, tortured and forced to confess to a crime that never occurred.

75. Pursuant to settlement with Applicant (Defendant) Barbara A. Gibbs: Barbara A. Gibbs requested the court direct the US Attorney (EDNY) to produce [h]er mortgage records held by Freddie Mac – for In-Camera Review.

76. Bank of America and Nationstar never notified Applicant Barbara Gibbs; her mortgage note was sold to Freddie Mac, as required to law. Gibbs discovered the sale of Defendant Barbara Gibbs' mortgage note while searching Freddie Mac's website. AND,

77. Freddie Mac has refused and neglected to provide Applicant Barbara Gibbs' DEMAND for all documentation concerning the sale of [h]er mortgage note – all DEMANDS were made by and through Gibbs.

78. But for the criminal acts of Defendants, Gibbs and Barbara Gibbs would have won the LOTTERY as detailed: Barbara has played the lottery diligently for more than 30 years, occasionally we played together. On or about June 7, 2019, Barbara stated as she had in the past, "I believe if you help me we can win. I picked 17, 19, 27 based on birthdays (years and date) of sisters and brothers and 68 because Belva called me today." Gibbs selected his birthday of 11/02 and Gibbs' oldest granddaughter being 39 and selected 40 because Barbara's father always selected a person's age based on the following birthday...and Gibbs selected 10/04

based on a granddaughter being born on Gibbs' Anniversary. The combinations required Gibbs eliminates some numbers or play all numbers in the combinations. Although Gibbs narrowed his choices to 40 and 2 or 11 as the Powerball, due to the criminal acts of Defendants, Gibbs, mental and financial destruction caused Gibbs to refrain from playing: Friday, June 7, 2019: 17 19 27 40 68 (2), Jackpot of \$530 million: Barbara Gibbs: 17, 19, 27 and 68; Melvin Gibbs: 40 Mega Ball 2....

79. Gibbs, as articulated, is suffering serious immediate harm; (2) The harm will not be taken care of adequately by winning the case in the end: (3) Gibbs will most likely be GRANTED SUMMARY JUDGMENT and/or win the case in the end: and (4) The harm to Gibbs is more serious than any harm Appellees will suffer by being ORDERED to not commit crimes and follow the law.

80. As can be seen from the foregoing affidavit, injunction and pleadings, Gibbs has no adequate remedy at law to prevent Respondents from causing my WIFE'S DEATH and/or MURDERING Gibbs; Gibbs is entitled to an INJUNCTION.

/s/ M. Eugene Gibbs, Pro-se

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January 8, 2021

There Was Not a Failure of SECURITY At The CAPITOL -

#45🇺🇸, the Acting Secretary of Defense, Capitol Police Chief, Sergeant of Arms House and Senate changed the STANDARD SECURITY PLAN to allow #45🇺🇸 to commit SEDITION and allow an INSURRECTION to CAPTURE and/or kill members of CONGRESS: allowing #45🇺🇸 to declare MARSHAL LAW, suspend the CONSTITUTION and stay in power. My analysis is based on my career as a NYC police 🇺🇸 officer, attorney and 35 years working at the DEPARTMENT OF DEFENSE!

January 9, 2021

FACT!!!

It is IMPOSSIBLE to have the CAPITOL BUILDING unprotected - FOR 3 HOURS - while the Capitol is being ATTACKED - without SPECIFIC ORDERS FROM THE DEPARTMENT OF DEFENSE AND #45🇺🇸!!!

January 10, 2021

Dig deeper:

#45🇺🇸 planned this Insurrection after he lost the election 🇺🇸 #45🇺🇸 SUMMONED his CULT to capture and kill members of Congress so he could declare MARSHAL LAW and SUSPEND THE CONSTITUTION. You cannot attack the Library of Congress without a Rapid Response Team (MILITARY) capturing and/or killing hundreds within 10 minutes!!! This was deliberately allowed to RAGE for 3 hours by the Department of Defense - now you know why #45🇺🇸 fired the people at the TOP OF THE DEPARTMENT OF DEFENSE and installed his YES MEN!!!

January 11, 2021

SEDITION, INSURRECTION and RACISM –

If 30,000 people (of any RACE) “stormed” the Library of Congress, within 10 minutes a MILLITARY RAPID RESPONSE TEAM would respond – capture and kill a minimum of 500 people: President Trump conspired with those he installed at the Department of Defense – NO RESPONSE FOR 2 HOURS! If WE look at this from: Black Lives Matter protests were treated different – WE do not deserve the benefits and freedom of this DEMOCRACY! What happened January 6, 2021 was not a protest or riot! It was, and is, an INSURRECTION caused by a CONSPIRACY TO COMMIT SEDITION. We cannot allow a discussion of RACE to make this a conversation about WHITE RIOTERS being treated better than PEACEFUL DEMONSTRATORS demanding BLACK LIVES MATTER. The Insurrectionist must be arrested and face the DEATH PENALTY!

President Trump with the assistance of General Michael Flynn and Attorney Rudy Giuliani, created a Conspiracy to commit Sedition: capturing and killing the vice president and members of congress. Allowing Trump to declare MARSHALL LAW – SUSPENDING THE CONSTITUTION – AND STAYING IN POWER! In furtherance of the Sedition the individuals Trump installed at the

Department of Defense – withheld National Guard troops needed to STOP the INSURRECTION! What happened at the Capitol is Sedition and Insurrection resulting in CAPITAL MURDER [Officer Brian Sicknick]. EVERYONE INVOLVED, IN ANY MANNER, MUST BE ARRESTED AND FACE THE “DEATH” PENALTY...including Sen. Ted Cruz, Josh Hawley, Rep. Mo Brooks and Matt Gaetz! And EVERY member of Congress who voted against the presidential certification must RESIGN or be EXPELLED from CONGRESS! Vice President Mike Pence’s Oath of Office requires him to protect AMERICA from foreign and domestic threats. If Pence refuse to INVOKE the 25th AMENDMENT and remove Trump – Mike Pence must be IMPEACHED!

January 13, 2021

**SEDITIONOUS CONSPIRACY: Postmaster DeJoy 5.0 [ON STEROIDS] –**

People asked questions why Trump fired the top officials at the Department of Defense and installed his “YES MEN.” But, we really didn’t want the truth – and still won’t accept the truth. Postmaster DeJoy destroyed sorting machines, removed mail drop boxes and changed work schedules. WE finally accepted the fact this was done to suppress votes to steal the election. NOW, WE refuse to see what is staring in our face – Trump committed SEDITON by organizing and orchestrating an INSURRECTION: “At the direction and benefit of INDIVIDUAL ONE!” The “police” did not prove RACIST BEHAVIOR: unequal treatment of BLACK LIVES MATTER and White rioters. FIRST: they were not “rioters” – they were INSURRECTIONIST. SECOND: the police were given specific ORDERS: “DON’T SHOOT!” If not for that specific ORDER, hundreds – if not thousands of INSURRECTIONIST would have been SHOT! To quote President Obama, you’re being given the “Okey-doke.” Do not consider the explanations given by law enforcement and the military. The INSURRECTION ACT of 1807 should have been invoked – pay no attention to the fools who argue [i]t can’t be invoked. Understand reality not theory and academics. The Acting Secretary of the Department of Defense, at the direction of Trump, would have given an ORDER than no military action was to be taken without specific ORDERS from him. Because, without a STANDING ORDER, [My position as an attorney and employee of the Department of Defense for 35 years]. My phone call to Speaker Pelosi: “Madame Speaker, if you’re informing me there is an insurrection, I’m prepared to act. Within 10 minutes there will be 3 “Kill Teams” on site to extract you, the vice president and president pro tempore of the Senate – separately. The teams will be supported by “Catch and Kill” units and Congress will be secured!!!” ....

January 14, 2021

**THE [SEDITIONOUS] INSURRECTION CONSPIRACY IS FALLING APART –**

Seditious Conspirator Ali Alexander has named 3 co-conspirators: Arizona Reps. Andy Biggs, Paul Gosar and Mo Brooks of Alabama: they helped him organize the Jan 6, 2021 event (Insurrection): Disgraced General Michael Flynn openly advocated Marshall Law; Rudy Giuliani advocated WAR on members of Congress:

Representatives Paul Gosar and Mo Brooks met with Trump at the White House on December 21, 2020...Tim Gosar, Paul’s brother, said he and two siblings voted for Paul’s opponent; that Paul helped to plan the INSURRECTION and Paul should be removed from Congress... SEDITIOUS CONSPIRACY!

During the INSURRECTION security told all members of Congress not to provide locations to anyone – including family and friends: Colorado Representative Lauren Boebert “Live Tweeted” Speaker Nancy Pelosi’s location...every PANIC BUTTON was ripped out in Rep. Ayanna Pressley’s Office...INSURRECTIONIST went directly to Rep. Jim Clyburn’s “hidden” office rather than his



office bearing his name...Republican members gave tours of Congress on January 5, 2020 to INSURRECTIONIST engaged in "surveillance" [ALL TOURS ARE PROHIBITED DUE TO COVID-19 since MARCH 2020]...

I REPEAT MY STARTING POINT: It is impossible for an INSURRECTION to last for 6 hrs when the INSURRECTIONIST do not have "any" hostages!!!; and a DO NOT SHOOT ORDER cannot be given to police officers protecting CONGRESS – the DO NOT SHOOT ORDER WAS GIVEN: by who and why!!!

WE can focus on RACE and WHAT-ism or WE can demand seditious conspiracy prosecutions AND move from accepting "crumbs" spilled from RICH tables to \$15-\$25 an hour WAGES!!!

January 15, 2021

SEDITIONOUS CONSPIRACY TO CAUSE AN INSURRECTION –

(Don't look over there!)

Democrats believe Kash (Kashyap) Patel, Representative Devin Nunes' (R-Calif.) aide was assigned to the Pentagon's Transition Team to cause problems for incoming President Biden. STOP looking over there! LOOK OVER HERE:

Devin Nunes' "Mid-night" ride to the White House to give Trump DOCUMENTS to destroy the Muller Investigation – these were the same DOCUMENTS Trump gave Devin Nunes – the conspiracy was "engineered" by Kash Patel at the direction of and benefit of INDIVIDUAL #ONE.

On or about November 9, 2020 (6 days after Biden won the election) Trump fired Secretary of Defense Mark Esper and named Christopher Miller as Acting Defense Secretary and Kash Patel as Miller's Chief-of-Staff...is the picture staring to come into focus?

On or about January 1, 2021 Representative Louie Gohmert (R-Texas) appeared on NATIONAL TELEVISION and stated, "VIOLENCE WAS NECESSARY TO TAKE BACK 'YOUR' COUNTRY"....

The media reported Vice President Pence authorized Acting Secretary of Defense Miller to send reinforcements at 4:41 pm; January 6, 2021 [LIES!]; this was three (3) hours after being notified the Capitol police could not contain the INSURRECTION and two (2) hours after DC Mayor Muriel Bowser requested troops....

House Majority Leader Steny Hoyer (D-Maryland) was with Speaker Pelosi and Senate Minority Leader Chuck Schumer in an "UNDISCLOSED LOCATION." Rep. Hoyer placed a "direct" call to Maryland Governor Larry Hogan who IMMEDIATELY assembled special law enforcement units and the National Guard. However, for one and one-half (1-½) hours Governor Hogan was denied authorization to send the Maryland National Guard into the District of Columbia.

The Secretary of the Army Ryan McCarthy became so outraged by the refusal of Secretary Miller to authorize troop deployments – Secretary McCarthy gave Maryland Governor Hogan authorization to send the Maryland National Guard to secure the Capitol.

McCarthy "broke" the chain of command by countermanding Secretary Miller...within the "Chain of Command" Trump as Commander-in-Chief is the ONLY person authorized to ORDER Secretary Miller not to send troops to secure the Capitol!

McCarthy, I would argue as his attorney, followed the Doctrine of Absolute Necessity: "The doctrine of necessity makes it imperative for the authority to decide and considerations of judicial propriety [Military Code of Conduct] must yield. Hence, the Doctrine of Necessity should be taken as the 'Doctrine of Absolute Necessity.'"

The security of the Capitol is the responsibility of the Capitol Police Board: consisting of The Architect

of the Capitol; Sergeant of Arms of the House, and Senate; and the Chief of the Capitol Police – the DON'T SHOOT ORDER would have originated [Look Here]...”ALL” police and military actions AND inactions would have been coordinated with Kash Patel on behalf of Trump and Secretary Miller....

Howard S. Liebengood, Sr., was the Senate Sergeant of Arms (1981-1983) and was a “LOBBYIST.” Howard S. Liebengood, Jr., was a Capitol police officer who was on duty January 6, 2021: on January 9, 2021 – Howard S. Liebengood, Jr. committed SUICIDE. Why?...LOOK OVER HERE!  
On or about November 9, 2020, and continuing to and through December 21, 2020: Donald J. Trump assembled individuals NAMED and UN-NAMED to the White House for the purpose of organizing a SEDITIOUS CONSPIRACY to form an INSURRECTION against the United States of America.

18 U.S. Code § 2384 - Seditious conspiracy:

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

18 U.S. Code § 2383 - Rebellion or insurrection:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

Part and partial to Trump’s Seditious Conspiracy was Trump’s CRIMINAL ENTERPRISE organized in violation of the RACKETEERING INFLUENCE CORRUPT ORGANIZATION ACT (RICO 18 USC § 1961 et seq.) to deprive Black folk the RIGHT TO VOTE and other RIGHTS, PRIVILEGES and IMMUNITIES GUARANTEED BY THE US CONSTITUTION. Trump sought to invalidate the VOTE of six (6) states – two (2) states are: LOOK OVER THERE:  
LOOK OVER HERE: Georgia (Atlanta-Black Folk), Michigan (Detroit-Black Folk), Pennsylvania (Philadelphia-Black Folk, Wisconsin (Milwaukee-Black Folk): (Look over there) Arizona and Nevada – deprivation of voting rights...explained later.

January 16, 2021

HOW TO –

Bankrupt Trump and his entire family; prevent Trump from ever holding office and INSTALL Hillary Clinton as the 45th President (Federal prosecutors CAN BE more DEADLY than state):

[This is written so the non-lawyer may understand] FEDERAL INDICTMENT: On or about June 1970 Donald J. Trump joined and combined with known [TRUMP FAMILY MEMBERS] and un-known individuals to form a criminal enterprise in violation of the Racketeering Influence Corrupt Organization Act (RICO). Part and Partial to their criminal activities, said individuals violated the laws of the United States of America in violation of 18 USC § 1962 and such statutes as set forth below:

COUNT I: By knowingly undervaluing the value of properties described herein, Trump with malice and forethought defrauded the United States of America of not less than \$1 billion or an amount to be

proven at trial. COUNT II: In order to secure \$900 million in bank loans, Trump knowingly over valued the same properties by an amount of \$600 million. COUNT III: Trump did pay \$300,000 to conceal "sexual relationships" in order not to affect his presidential campaign in the 2016 election. COUNT IV: Trump did COLLUDE with Russia in order to assist his 2016 presidential campaign and said collusion WON THE 2016 ELECTION FOR TRUMP. COUNT V: Trump formed a Seditious Conspiracy for the purpose of causing an Insurrection against the United States of America that resulted in the FELONY MURDER OF A CAPITOL POLICE OFFICER; ALL in violation of 18 USC § 2283....

Rudy Giuliani laughs at the prosecutor as he presents the judge with Trump's Pardon. The prosecutor smiles as s/he cites: *Burdick v. United States*, 236 U.S. 79 (1915), was a case in which the Supreme Court of the United States held that: ... "an imputation of guilt, acceptance a confession of it". The prosecutor states they accept Trump cannot be CONVICTED. However, PROSECUTORS filed a civil case an hour ago; pursuant to 18 USC § 1964(b) The Attorney General may institute proceedings under this section. THEN,

The prosecutor cites 18 USC § 1964(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop(prevents) the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States. The requested relief [DAMAGES] repayment of all monies gained by FRAUD committed against the United States, banks, individuals, FOREFITURE of TRUMP TOWER, MAR-A-LAGO, etc., and PAYMENT OF ALL DAMAGES CAUSED BY THE INSURRECTION... From the White House to the POOR HOUSE!!! ...or as us country lawyers say: THE outhouse!!!

The prosecutor cites 18 USC § 1964(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of 18 USC § 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise [Trump divested as the 45th President]; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in [18 U.S. Code § 2383 - Rebellion or insurrection: shall be incapable of holding any office under the United States.], the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons [Hillary Clinton Installed as the 45th President]. TRUMP ADMITTED HE COLLUDED WITH RUSSIAN TO WIN THE 2016 ELECTION [PARDON]!

\*\*\*Presentment of the Pardon at the criminal trial is an admission of having violated 18 U.S. Code § 2383 - Rebellion or insurrection: shall be incapable of holding any office under the United States: Trump would be barred from future "office" even if the civil case was not filed.

January 16, 2021

Trump Sedition Update -

When the Insurrection began Secret Service Protocol required Trump be escorted to the White House Bunker. Only a president who formed the Insurrection would know they were safe from the Insurrection. #45🇺🇸 and would gleefully watch the Insurrection on TELEVISION 📺

Michael James Lindell "the My Pillow guy" was filmed 📹 at the White House: notes on a pad that read: Insurrection Act, Martial Law, and make KASH PATEL Director of the CIA....

January 18, 2021

WHERE IS OUR OUTRAGE -  
(Insurrection and Seditious)

...causing the death ☠ of a police 🚔 officer is CAPITAL MURDER: Death ☠ Penalty. EVERYONE at the Capitol and those advocating MUST face the DEATH ☠ PENALTY! White "privilege" can only exist when WE are silent.

January 21, 2021

Seditious Conspiracy Update (01-21-2121) –

Army Lt. General Charles Flynn, brother of disgraced Lt. General Michael Flynn, was in the "Situation Room" at the Pentagon: Charles and the Army lied – stating Charles was not on the call with the Capitol police. The Capitol police informed the Pentagon the Capitol was being "Overrun" and shots had been fired; the "Generals" refused to provide assistance. When and why: was Charles Flynn assigned to be "in position" to be on the call?"

The generals work for the Secretary of the Army. Yet, the Secretary did not counter the refusal by his generals for 3 hours. The Army Secretary's hesitation would have been as a direct ORDER from the Acting Secretary of Defense (his Chief-of-Staff Kash Patel). The Secretary of Defense's ORDER: refusing assistance; came directly from the President.... The Seditious Conspiracy was planned, formed and funded by President Trump and his minions – including but not limited to members of Congress.

January 23, 2021

Seditious Conspiracy Update 01-23-2020 -

Donald Trump formulated a plan with Justice Department lawyer Jeffrey Clark to try to force Georgia lawmakers to overturn the state's results in the presidential election. Trump wanted to fire the acting Attorney General and install Jeffery Clark head of the Civil Division...as Attorney General.

Trump wanted to use voter fraud in Georgia to claim voter fraud also existed in Pennsylvania, Michigan and Wisconsin in order to declare Martial Law. Michael Flynn's brother, Lt. General Flynn and other Generals were put in "key" positions to carry out Trump's plan(s).....

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January 25, 2021

Seditious Conspiracy Update 01-25-2021 –

There are multiple layers to a Seditious Conspiracy: During a 2 hour period during the Insurrection, Republican Senators and Congressman called Trump...Trump didn't answer or call back – there is no situation – during an INSURRECTION – where Trump cannot be reached!!! Except: When Trump is the "brains" behind the INSURRECTION.

January 5th the day prior to the INSURRECTION, Trump summoned Secretary of Defense

Christopher Miller and Kash Patel to the White House. Miller states Trump said 10,000 soldiers would be needed – to which Miller responded, authorization would be needed.... Remember the scene of President Obama and his Cabinet in the Situation Room – the hunt for bin Laden. No president in the history of America has been unavailable for 2 hours!!!

Trump's Campaign "laundered" more than \$3 million through some of Trump's 500 companies to organize the INSURRECTION...Justin Caporale: Event Strategies; America First Policies; Women for America, etc. Trump, aided by Rep. Scott Perry devised a scheme to fire the acting attorney general and install Jeffery Cark (Civil Division) as Attorney General to force the Georgia Legislature to OVERTURN Biden's win in Georgia....

January 25, 2021

Selective Outrage –

Trump "executes" a Seditious Conspiracy resulting in the Capital Murder of a police officer. We complain about little or no bail for White Insurrectionist. But, we are silent about the Insurrectionist not being charged with Capital Murder and should be held without BAIL. Our silence is our lack of JUSTICE. Where is our outrage?

Trump made it crystal clear he was willing to allow 400,000 of US to die in order to keep the economy strong to help his re-election: we have 425,000 people dead: 400,000 of which died for political reasons! Where is our outrage?

We attack the police (the dog) with uncontrolled anger and false bravado. Yet, we shrink from challenging the dog's master: the political system that also includes the Church, NAACP, CBC,...because we.....?

The only DEFUNDING in America – is the DEFUNDING of Black Lives "Matter-ing," because our lack of courage causes our eyes to be shut wide open.

January 26, 2021

Democrats-Wake Up -

To convict #45🇺🇸 You must show #45🇺🇸 taking pleasure in the Insurrection; name the Senators and Representatives who called #45🇺🇸 for help; detail why #45🇺🇸 and the Acting Secretary of Defense refused to send troops for 2 hours, and would not allow Maryland to send troops; and state unequivocally CAPITAL MURDER (Murder of the Police Officer) was a direct result of #45🇺🇸's Seditious Conspiracy.

January 27, 2021

Republicans Are Conspiracy Theory Idiots Without Constitutional Knowledge -

Trump watching the INSURRECTION with joy 🇺🇸 is only a small part of his guilt. It is also empirical evidence, as Commander-in-Chief, he knew the INSURRECTION was in progress and did nothing.

The Republican motion to declare Trump's Impeachment is a gift 🇺🇸 to the Democrats. The motion is "Tabled" to be heard later. Democrats must, after all evidence is presented in the Impeachment, hear the motion and declare the Impeachment Constitutional. The Senators swore and signed the Oath Book 🇺🇸 any senator voting 🇺🇸 to acquit based on the Impeachment being unconstitutional - VIOLATES THEIR OATH!

January 27, 2021

Republicans Are “Playing” You -

Republicans attempt to excuse #45's INSURRECTIONIST speech by claiming it's protected by: Brandenburg v. Ohio, 395 U.S. 444 (1969).

THIS IS A LIE: First - This case is about the GOVERNMENT charging a CRIMINAL CASE! IMPEACHMENT is a CIVIL CASE. Second - IMPEACHMENT is political and Congress sets its own rules for IMPEACHMENT.

January 28, 2021

Republicans 2022 & 2024 –

Why do Democrats waste time talking about Republican hypocrisy and searching for video clips of Republicans making contradicting statements? The only things that matter to Republicans is to take back the House and Senate in 2022; making it impossible for President Biden to run in 2024 – and creating a country so hostile Vice President Harris can be defeated. Republicans have set their agenda while Democrats are waiting their turn to criticize Biden/Harris.

Those who believe Republicans are the Klan: policemen, lawyers, doctors and judges, are 10% right. The other 90% are White Supremacist: QAnon, Proud Boys, Oath Keepers, Three Percenters, Turning Point USA, Boogaloo Boys, NSC-131, Camp Auschwitz-6MWE, and Ku Klux Klan – ‘NUT JOB’ IDIOTS. Anyone who tells you anything different – IS A LIAR! You cannot negotiate with or compromise with people who have no sense of morality!!! If you want to UNIFY with Republicans: When you sleep with SATAN – don't complain when you wake up in HELL.

February 3, 2021

Seditious Conspiracy Update 02-03-2021 –

The focus on what happened Jan. 6th, Impeachment of a president after s/he leaves office and Freedom of Speech are Red Herrings (taking our eyes off the real issues). The Acting Secretary of Defense Miller (Kash Patel) issued a directive (Jan. 4th) severely limiting the DC National Guard's ability to respond to the INSURRECTION. Trump (Jan. 5th) met with Miller and Patel at the White House: the only logical purpose would have been to finalize their plans and place Lt. General Charles Flynn (Michael Flynn's brother) in position to prevent any deviation(s) from the plans: Trump developed Nov. 9th and Dec. 18th at the White House. The Conspiracy against Georgia elections was a “parallel” plan....

First Amendment: Impeachment is civil and criminal penalties do not apply. AND, government officials – Trump – DO NOT have a First Amendment right to engage in a Seditious Conspiracy to incite Insurrection that results in CAPITAL MURDER: a president's duty under the Constitution is to PROTECT: the Capitol (Congress)....

Sen. Paul's motion to dismiss was not ruled on by a 55-24 vote. When the motion is heard, the motion will be denied – meaning Congress will have determined it is not unconstitutional to hold a trial for a president no longer in office: making this the LAW of Senate Impeachments. Because Senators take an oath as Impeachment Jurors to abide by the Constitutions and Laws – no Senator may acquit Trump based on the trial not being Constitutional! Jury Nullification: Senators may vote NOT GUILTY – their vote can be based on being a Republican, scared of Trump supporters, or they don't like Democrats. [T]hey just cannot use arguments based on the Constitution and/or Laws.

## **Fourth Amendment**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## **Fifth Amendment**

The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids “double jeopardy,” and protects against self-incrimination. It also requires that “due process of law” be part of any proceeding that denies a citizen “life, liberty or property” and requires the government to compensate citizens when it takes private property for public use.

## **Sixth Amendment**

The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you. It has been most visibly tested in a series of cases involving terrorism, but much more often figures in cases that involve (for example) jury selection or the protection of witnesses, including victims of sex crimes as well as witnesses in need of protection from retaliation.

## **Seventh Amendment**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## **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.

