

TAB-A

No. 22-5060

In re Bishay, et al. v. Harris, et al.

IN THE
United States Court of Appeals
For the District of Columbia Circuit

Bahig Bishay, in his individual capacity and
Private Attorney General¹ & another²,
Plaintiffs-Appellants,

vs.

Scotts S. Harris, in his individual capacity,
& others³ in their individual capacities, *et al.*,
Defendants & Third-Party Defendants-Appellees.

An appeal from the U.S. District Court for the District of Columbia
Civil Action No. 1:21-cv-01831-TNM

**PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S
PETITION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT
HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE
UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR (a) PANEL
REHEARING, or (b) EN BANC DETERMINATION, or (c) WRIT OF
MANDAMUS STAYING A PANEL DECISION (*Per Curiam*) DEVOID OF
LEGISLATIVE OR SUPREME COURT AUTHORITY TO SUPPORT A
PANEL PROFFER THAT THE U.S. SUPREME COURT POSSESSES
"ORIGINAL" & "EXCLUSIVE" JURISDICTION TO (1) ADJUDICATE
CONSTITUTIONAL VIOLATIONS CLAIMED BY CITIZENS OF THE
UNITED STATES (2) NAMING THE SUPREME COURT'S CLERK
[SOLELY] IN INDIVIDUAL CAPACITY; (3) SEEKING DECLARATORY
DETERMINATION; (4) MONETARY DAMAGES ASSESSED AGAINST
THIRD-PARTY DEFENDANTS DESCRIBED AS "BENEFICIARIES"**

¹ At his behest and those similarly situated citizens of the United States, pursuant to 18 U.S.C. §§1961-1968, with neither fear nor favor.

² Mary Bishay.

³ Mara Silver and Susan Frimpong.

**STATEMENT REGARDING NECESSITY OF
PANEL REHEARING, EN BANC DETERMINATION,
OR WRIT OF MANDAMUS**

Pursuant to Circuit Rules 21, 27, 35 & 40, Private Attorney General Bahig Bishay, at his behest and those similarly situated citizens of the United States pursuant to 18 U.S.C. §§1961-1968 (hereinafter “PAG Bishay”), respectfully moves herein for a **STAY**, absent identifying explicit [L]egislative authority to support the panel’s opinion appended hereto, or precedential authority reflecting a U.S. Supreme Court holding to support the panel’s novel theory reflected in said opinion, suggesting that the U.S. Supreme Court possesses “original” & “exclusive” jurisdiction to (1) adjudicate [C]onstitutional violations claimed by citizens of the United States (2) naming the Clerk of the U.S. Supreme Court solely [] in his individual capacity (3) seek discrete declaratory [] determination, and (4) monetary damages assessed against Third-party Defendants described in the Complaint and other pleadings as the “*beneficiaries*” of the federal crimes listed therein (*infra*), said novel reasoning must forthwith be **STAYED** and the accompanying motions be allowed, together with the relief sought therein, in the interest of sparing the U.S. Supreme Court, or its Justice allotted to this circuit, from unnecessary wasting of judicial resources.

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REASONS FOR GRANTING *EN BANC* DETERMINATION

In the interest of time and efficiency, PAG Bishay incorporates herein by reference, pursuant to Rule 10(c) of the *Fed.R.Civ.P.*, all that is stated in his *Motion for Summary Reversal* [Document # 1943240]; *Memorandum in Support* thereof [Document # 1943249]; and the *Record Appendix* [Document # 1943250], and further provides the following, in addition to the obvious, which is the panel's failure to cite Legislative authority conferring "original" and "exclusive" jurisdiction upon the U.S. Sup. Ct., or its Justices, to (1) adjudicate claimed Constitutional violations brought by citizens of the United States (2) naming the Clerk of the U.S. Supreme Court [solely] in his [individual] capacity (3) seek discrete [declaratory] determination naming the Clerk; and (4) monetary damages assessed against Third-party Defendants described in the Complaint and other pleadings as the "*beneficiaries*" of the federal crimes listed therein (*infra*), or a ruling published by the U.S. Sup. Ct. to support the panel's novel theory, here, the authority upon which the panel relied is this circuit's holding in Marin, but this, with all due respect to this circuit, has neither U.S. Legislative support nor U.S. Sup. Ct. endorsement or validation.

For the reviewers' convenience, PAG Bishay lists the following governing authorities and the glaring errors manifested through the panel's opinion:

A. Nowhere in 18 U.S.C. § 1251 is there a remote suggestion to support the panel's novel theory that a Clerk of the U.S. Sup. Ct. falls within one of the three specific categories set forth therein, as follows:

- (1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties;
- (2) All controversies between the United States and a State; and
- (3) All actions or proceedings by a State against the citizens of another State or against aliens.

(June 25, 1948, ch. 646, 62 Stat. 927; Pub. L. 95-393, § 8(b), Sept. 30, 1978, 92 Stat. 810.)

B. Nowhere in the Complaint or any subsequent pleading submitted in the district court and in this court, is there a single plea made by PAG Bishay requesting the district court judge to “supervise” [] the Clerk of the U.S. Supreme Court; nor is there a plea for monetary damages to be assessed against him in his individual capacity, as further addressed in a separate filing simultaneously submitted herewith.

C. The panel's reliance on Marin, In re, 956 F.2d 339 (D.C. Cir. 1992) is misplaced for three obvious reasons: (1) Marin sought “mandamus” relief to compel the Clerk to perform, but PAG Bishay did not; (2) Marin named the Clerk in his “official” capacity, but PAG Bishay did not; and (3) Marin was seeking “discretionary” relief associated with a petition for a *writ of certiorari* submitted

under Rule 10 of the Rules of the U.S. Sup. Ct., but PAG Bishay only sought “as-of-right” “interlocutory-injunctive relief” under Rules 22 and 23 of the Rules of the U.S. Sup. Ct., where the Clerk’s role and assigned function is limited to the immediate [T]ransmittal (*infra*) of the Rule 22 petition to the Justice allotted to the circuit from which the relief sought arose, and it is for that [J]ustice (not for the Clerk) to “grant” or “deny” the specific interlocutory-injunctive relief sought.

D. Immunity conferred by FELRTCA **does not** extend nor apply to suits brought against federal employees, including the Clerk of the U.S. Sup. Ct. who is (a) sued only in his [individual] capacities; and (b) for violating the U.S. Constitution and federal statutes. *Infra*.

E. Government officials sued for constitutional torts continue to be protected **only** by qualified immunity under 28 U.S.C. § 2679(b)(2).

F. The U.S. Sup. Ct. ratified the foregoing in *Harlow v. Fitzgerald*, 457 U.S. 800, 807 (1982); *Butz v. Economou*, 438 U.S. 478 (1978).

G. The U.S. Sup. Ct. further held that, where applicable, qualified immunity could protect an official from trial and the burdens of litigation, as the Court further explained in *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).

H. The U.S. Sup. Ct., however, further clarified that “*qualified immunity balances two important interests *** the need to hold public officials accountable*”

*when they exercise power irresponsibly *** and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably”*

*** as the Court further explained in *Pearson v. Callahan*, 555 U.S. 223 (2009).

I. The Court further clarified that while qualified immunity protects a government official from lawsuits alleging that an official violated a plaintiff's rights, qualified immunity is *not available in suits where the government official violated a “clearly established” [s]tatutory or [c]onstitutional right.*

J. The Court further explained that when determining whether a right was “clearly established”, courts must consider whether a hypothetical reasonable official would have known that his/her conduct violated or would **violate the plaintiff's [c]onstitutional or [s]tatutory rights.**

K. The U.S. Sup. Ct. further held that federal officials who attempt to qualify for absolute immunity have the burden to prove "*that public policy requires an exemption of that scope*", and for government officials trying to qualify for absolute immunity, the Court also established a 2-part test that the official must satisfy:

1. First, the official must show that his/her position's responsibilities had such a sensitive function that it requires absolute immunity,
2. Second, the official must demonstrate that he/she was discharging the protected function of the position when performing the actions in question.

L. In *Saucier v. Katz*, 533 U.S. 194 (2001), the U.S. Sup. Ct. also held that when there is a summary judgment motion for qualified immunity, the trial court should apply a 2-part test to determine whether a government official is entitled to qualified immunity:

1. First, a court must look at whether the facts indicate that a **[c]onstitutional right has been violated,**
2. If so, a court must then look at **whether that right was clearly established at the time of the alleged conduct.**

M. The panel is also presumed to know that federal employees (a) sued **only** and explicitly in [i]ndividual capacity; (b) for violating [c]onstitutional rights, are **not** entitled to tax-payers' funded representation by a government attorney under 28 CFR § 50.15, as averred in the Complaint [ECF No. 1; FNs 4, 7, 8, 24, 25, 26 and 28; RA 4] under *Representation of Federal officials and employees by Department of Justice attorneys or by private counsel furnished by the Department in civil, criminal, and congressional proceedings in which Federal employees are sued, subpoenaed, or charged in their [i]ndividual capacities*, to wit:

(8) In any case where it is determined that Department of Justice attorneys will represent a federal employee, the employee must be notified of his right to retain private counsel at his own expense... (ii) **the Department of Justice will not assert any legal position or defense on behalf of any employee sued in his individual capacity which is deemed not to be in the interest of the United States...** (v) while no conflict appears to exist at the time representation is tendered which would preclude making all arguments necessary to the adequate

defense of the employee, if such conflict should arise in the future the employee will be promptly advised and steps will be taken to resolve the conflict as indicated by paragraph (a) (6), (9) and (10) of this section, and by § 50.16...

(12)... (b) Representation is not available to a federal employee whenever:

(1) The conduct with regard to which the employee desires representation **does not reasonably appear to have been performed within the scope of his employment with the federal government;**

(2) It is otherwise determined by the Department that it is **not in the interest of the United States** to provide representation to the employee. [Bold text provided]

N. In the within action, Defendant Harris *** having been sued **only** in his [i]ndividual capacity after deliberately violating the U.S. Constitution [ECF No. 1] *** failed to explain how such activity was carried out “*in the interest of the United States*”; and “*within the scope of his employment by the federal government*, under *Ex parte Young*; and *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), where the Court flatly rejected a similar immunity defense, as it quoted its earlier ruling in *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396, to wit:

“petitioner is immune unless his actions violated clearly established law... We conclude that the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security function.” [Bold-italic text provided]

O. Defendant Harris, here, further failed to show he was performing a “national security function”. Rather, as the within Complaint alleged [ECF No. 1], Harris violated “clearly established [c]onstitutional rights” by failing to, forthwith, docket and transmit the Plaintiff’s four (4) petitions to the [J]ustices allotted to the First and D.C. circuits, as he was so required under Rules 22 & 23 of the Rules of the U.S. Sup. Ct.. Instead, as set forth in the Complaint and other pleadings presented below and here, Defendant Harris took matters into his own hands and assumed a [J]udicial role neither authorized by the U.S. Congress nor by the U.S. Sup. Ct., and proffered that the U.S. Supreme Court [“lacked jurisdiction”] to grant the as-of-right injunctive relief sought by the petitioners. In so exceeding his authority, Defendant Harris was well aware of the specific mandate set forth in Rules 22 and 23, which clearly informed him that only a [J]ustice of the Court may grant or deny the injunctive relief sought. Infra.

P. The panel’s opinion failed to cite a single Legislative or U.S. Sup. Ct. authority to support its novel theory suggesting that federal employees, including Harris who enjoys neither constitutional exemption nor exception (id), sued in their [individual] capacity for violating the U.S. Constitution, enjoy certain privileges based on title, social status or some elitist protection exclusively afforded to such a group (claiming to be above the law) and not made available to ordinary citizens of

the United States, has no support under constitutional mandates and civil rights remedies, as written by the founders and framers with no fear nor favor, as the Sup. Ct. reasoned in *Knick v. Twp. of Scott*, U.S. Sup. Ct. (2019), to wit:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law" [Emphasis provided]

Q. The panel is also presumed to be abundantly aware that the founders and framers unquestionably provided clear and unambiguous remedies available to **all** citizens of the United States under 42 U.S.C. § 1983, as part of the *Civil Right Act* of 1871, the 5th and the 14th Amendments to the U.S. Constitution; and 42 U.S.C. § 1985(3), **as written**, all of which the U.S. Sup. Ct. recognized and adopted in *Ex parte Young*; *Harlow v. Fitzgerald*; *Mitchell v. Forsyth*; and *Knick v. Twp. of Scott* *** ***with no exemption for the Clerk of the U.S. Sup. Ct.*** *** as set forth in the Complaint at pp. **1-3, 6, 68, 77, 81**, as follows:

State and/or federal "judicial officers" named in this complaint in their [i]ndividual capacities are the "actors", ***acting under color of law*** within the meaning set forth in 18 U.S.C., § 242, 42 U.S.C. § 1983, as part of the *Civil Right Act* of 1871, the 5th and the 14th Amendments to the U.S. Constitution.

R. Further, federal employees *** sued in their [“individual”] capacity for violating the U.S. Constitution *** who acted *ultra vires* *** are stripped of their status as representatives of the sovereign, as the U.S. Sup. Ct. held in *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), to wit:

“when an official acts pursuant to an unconstitutional statute, the absence of valid authority leaves the official ultra vires his authority, and thus a private actor stripped of his status as a representative of the sovereign.” [Emphasis provided]

S. Here in the within matter, but for the obstruction of justice in which Defendant Harris engaged, the Plaintiffs were unquestionably entitled to cause the U.S. Supreme Court to exercise its judicial authority *** under Article III, Sections 1 and 2 of the U.S. Constitution and 28 U.S.C. § 1651 *** to grant the [“as-of-right”] relief sought through the discrete procedure set forth in Rules 22 and Rule 23 of the Rules of the U.S. Sup. Ct., because such right is *not* subject to the [“discretionary”] relief described in Rule 10 of the Rules of the U.S. Sup. Ct., titled “Review on Certiorari”.

T. Here, named in his individual [] capacity after taking matters into his own hands and willfully abrogated solemnly protected rights, in the within matter foreclosing the Plaintiffs’ [c]onstitutional right to invoke as-of-right injunctive relief available under Article III, Sections 1 and 2 of the U.S. Constitution and 28 U.S.C. § 1651, through the discrete procedure set forth in Rules 22 and Rule 23 of

the Rules of the U.S. Sup. Ct., left Defendant Harris with no personal immunity since he was not doing the business of the sovereign (*i.e.* the U.S. Sup. Ct.) after he abrogated said [c]onstitutional guaranties under color of law, 18 U.S.C., § 242, 42 U.S.C. § 1983, as part of the *Civil Right Act* of 1871, the *5th* and the *14th Amendments* to the U.S. Constitution, as pertaining to the Plaintiffs' otherwise [un]fettered right to move the U.S. Sup. Ct. Justices [] (not the Clerk) allotted to the First and the D.C. Circuits to grant the discrete "*injunctive relief*" the Plaintiffs sought in their four (4) Applications dated April 22 and December 9, 2020.

U. Therefore, there can be no legitimate debate that U.S. District Courts are indeed empowered by the U.S. Congress to grant the [declaratory] relief the Plaintiffs sought naming Defendant Harris, and the monetary damages sought in the Complaint against "Third-party Defendants" described therein as the "beneficiaries" of the federal crimes listed in the Complaint (*infra*), the same parties who benefited from Harris' [constitutional] violations, as further addressed in a separate filing simultaneously submitted herewith.

V. Therefore, it is beyond dispute that federal courts, specifically U.S. District Courts, have jurisdiction over suits to enjoin state officials from interfering with federal rights by use of the traditional rule that an action against an agent of the sovereign who had acted unlawfully was not considered to be against the

sovereign; the absence of valid authority leaves the official *ultra vires* his authority, and thus a “private actor” stripped of his status as a representative of the sovereign, as the U.S. Sup. Ct. reasoned in *Ex parte Young*, to wit:

It is simply an illegal act on the part of the state official... “If the act which the state Attorney General⁴ seeks to enforce is a violation of the Federal Constitution, the officer in proceeding under such enactment comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his individual capacity to the consequences of his conduct....” [Emphasis provided]

See *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), id. 159-160, 28 S.Ct., at 454.26; *et seq.*....

W. Accordingly, the panel is further presumed to know that the U.S. Congress specifically empowered ***all*** U.S. District Courts to grant the [declaratory] relief the Plaintiffs sought naming Harris, and the [monetary] relief the Plaintiffs sought naming Third-party Defendants who engaged in the federal crimes listed in the Complaint (*infra*), who are described in the Complaint and other pleadings presented below and here as the “beneficiaries” of said federal crimes and Harris’ constitutional violations, pursuant to: Article III, §§ 1 and 2 of the United States Constitution; 42 U.S.C. §§ 1983 and 1985(3); 28 U.S.C. §§ 1331, 1332, 1361, 1391(b), 1651(a), and 2201, *et seq.*; 18 U.S.C. § 4; 18 U.S.C. § 63; 18 U.S. C. §

⁴ In the within matter, the Clerk, sued only in his [individual] capacity; the rest of the Federal Employees, sued only in their [individual] capacities; the State’s Attorney General and the rest of the State’s Employees -- all only sued in their [individual] capacities.

152; 18 U.S.C. § 1503; 18 U.S.C., Ch. 73, § 1509; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. §§ 1961-1968 (including §§ 1962(d) and 1964(c)); 18 U.S.C. §§ 2314, 2315; 18 U.S.C. § 3284; 11 U.S.C. §362.

X. The panel is further presumed to know that the U.S. Congress [un]ambiguously authorized ***all*** District Courts to order restitutions against said “beneficiaries” under the *Mandatory Restitution Act* of 1996, 18 U.S.C. §§ 3663A and 3664 (id), 42 U.S.C. §§ 1983 and 1985(3), as the U.S. Sup. Ct. so held in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) (“*In Bell v. Hood, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1946), we reserved the question whether violation of that command by a federal agent acting under color of his authority gives rise to a cause of action for damages consequent upon his unconstitutional conduct. Today we hold that it does.*”); *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), citing *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982) (“*petitioner is immune unless his actions violated clearly established law... We conclude that the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security function.*”)

Y. Here, the district court is unquestionably capable of reading, comprehending and applying [C]onstitutional and [S]tatutory mandates, as well as rules of states and other courts, including Rules 22 and 23 of the Rules of the U.S. Sup. Ct., *** without indulging the Justices of the U.S. Sup. Ct. in the within matter *** based on the clarity and [un]ambiguity of the [m]inisterial [i]nstructions set forth therein, **as published**, requiring neither English language translation nor interpretation, nor further elaboration exclusively conferred upon the Justices of the U.S. Sup. Ct. either by the U.S. Congress or by the drafters of the Rules of U.S. Sup. Ct., *to wit*:

*An application addressed to an individual Justice shall be filed with the Clerk, *** who will transmit it promptly to the Justice concerned *** if an individual Justice has authority to grant the sought relief.*

*A *** Justice *** [NOT a “Clerk”] denying an application will note the denial thereon...*

Rule 22, Applications to Individual Justices.

*A stay may be granted by a *** Justice *** [NOT a “Clerk”] as permitted by law... A party to a judgment sought to be reviewed may present to a *** Justice *** [NOT a “Clerk”] an application to stay the enforcement of that judgment. See 28 U. S. C. § 2101(f).*

Rule 23, Stays.

*The stay may be granted by a judge of the court rendering the judgment or decree or by a *** justice of the Supreme Court *** [NOT a “Clerk”], and may be conditioned on the giving of security, approved by such judge or *** justice ***, that if the aggrieved*

party fails to make application for such writ within the period allotted therefor, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

See 28 U.S.C. § 2101(f). [Annotations and emphasis provided]

Z. Further, the panel's undermining PAG Bishay's authority, conferred upon him by the U.S. Congress to prosecute admitted RICO violations, is most troubling. In that, the U.S. Congress unquestionably authorized Bahig Bishay to assume the role of Private Attorney General in this matter, whereupon PAG Bishay is empowered to prosecute the RICO violations listed in the Complaint [ECF No. 1] under 18 U.S.C. §§1961-1968, including §§ 1962(d) and 1964(c). Accordingly, PAG Bishay brought the within action to prosecute public corruption in the public's interest as well as his own under *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968) 88 S.Ct. 964, 19 L.Ed.2d 1263; *Associated Industries of New York State, Inc. v. Ickes*, 134 F.2d 694 (2d Cir. 1943), to ensure that the within action benefits society at large and himself, as so authorized by the U.S. Congress based on the U.S. Congress' Act codifying the Private Attorney General principle into law with the enactment of Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. § 1988, generally or specifically including 18 U.S.C. §§1961-1968, as the Senate Report on the statute of the Private Attorney General activities further

confirmed that the Committee decided, specifically, to level the playing field so that private citizens (such as PAG Bishay here), who might have little or no money could still serve as "Private Attorneys General" and afford to bring actions, even against state, local bodies or government employees, including those employed by the *Federal Judiciary*, to enforce the civil rights laws and the [c]onstitutional mandates. The Committee further acknowledged, *to wit*: "***[i]f private citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court***", after the U.S. Sup. Ct. determined that Congress indeed intended several civil rights statutes to become [en]forceable by **private citizens**. See, for example, *Cannon v. University of Chicago*, 441 U.S. 677 (1979).

AA. Therefore, the panel's meddling with such fundamental [C]onstitutional mandates in an attempt to foreclose statutory rights guaranteed under 42 U.S.C. § 1985(3), is inappropriate and plainly unlawful, as pertaining to PAG Bishay's authority to seek, **through the district court** [D]eclaratory relief available under 42 U.S.C. 1985(3), which states, in the relevant part, as follows:

If two or more persons in any State or Territory conspire... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws... or for the purpose of preventing or hindering the constituted authorities of any

State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws... or to injure any citizen in person or property... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

[Emphasis provided]

BB. Further, here, the panel is also presumed to know that the Defendants and Third-party Defendants named in the within action are statutorily subject to personal and subject matter jurisdiction conferred upon the district court by the U.S. Congress under 18 U.S.C. §§ 371 and 3237; and that the Third-party Defendants described as “beneficiaries” of the federal crimes chronicled in the Complaint (*infra*) are indeed responsible for the substantial personal and financial damages the Plaintiffs sustained to date as a direct result of said [R]acketeering activities, as further addressed in a separate filing simultaneously submitted herewith.

CC. The panel is also presumed to have reviewed the record presented below [Document # 1943250], with the required attention, and noted that none of the Defendants or Third-party Defendants named in the Complaint disputed the facts presented by the Plaintiffs concerning the four (4) applications delivered to

Defendant Harris in 2020 [Exhibit-Y, ECF Nos. 32-33], which Harris was required to transmit promptly to the Justices concerned, which referenced U.S. Court of Appeals for the First Circuit Case Nos. 19-1975; 19-1257; 15-1563; and D.C. Cir. No. 19-5141, naming Third-party Defendants described in the within action as “beneficiaries” of the federal crimes chronicled therein [Comp. pp. 68-83] (*infra*), and as such, the district court was required to apply the standard set forth in 18 U.S.C. §§ 371 and 3237 (*conspiracy may be tried in any district in which an overt act in its furtherance is committed*), under *Hyde v. United States*, 225 U.S. 347, 360-66 (1912); *Pinkerton v. United States*, 328 U.S. 640 (1946), where the U.S. Sup. Ct. further held that participants in a [c]onspiracy become criminally responsible for the reasonably foreseeable acts of any co-conspirators committed during the Conspiracy and in furtherance of the Conspiracy. The Court further held that all members of a [c]onspiracy can be charged for crimes committed by their co-conspirators that are within the scope of the conspiracy and reasonably foreseeable consequences of the conspiracy. In addition, statements made by co-conspirators during and in furtherance of a conspiracy are not considered to be hearsay, so can be used at trial against other members of the Conspiracy, concerning the allegations set forth in the Complaint which were

neither denied nor controverted by the Defendants or Third-party Defendants named in this action, concerning the following federal crimes:

- i) RICO violations under 18 U.S.C. §§1961-1968, documented through evidence presented;
- ii) Misprision of Felony under 18 U.S.C. §4, documented through evidence presented;
- iii) Mail Fraud under 18 U.S.C. §63, documented through evidence presented;
- iv) Bankruptcy Fraud under 18 U.S.C. §152, documented through evidence presented;
- v) Concealment of Debtor's Assets under 18 U.S.C. §3284, documented through evidence presented;
- vi) Bankruptcy Automatic Stay violations under 11 U.S.C. §362, documented through evidence presented;
- vii) Aiding and Abetting violations under 18 U.S.C. §2, documented through evidence presented; and
- viii) Obstruction of Justice violations under 18 U.S.C., Ch. 73, § 1509, where the Plaintiffs presented uncontroverted evidence reflecting a state judge's (Third-party Defendant Cornetta) unlawful injunction foreclosing the Plaintiffs from prosecuting any action, **in any state court**, naming the state-court's officer who, together with twenty three (23) accomplices defalcated more than \$3.7 million in cash and other property belonging to the Plaintiffs and aided in the fraudulent conveyance of the Plaintiffs' Westwood home to other Third-party Defendants for less than 10% of its admitted value, through a cover-up, obstruction of justice scheme designed to shield the state judge, the state-officer and the twenty three (23) accomplices, including other Third-party Defendants, from the predictable redress, all of which was documented through

uncontroverted evidence presented⁵ -- all uniformly and deliberately deprived the Plaintiffs of [c]onstitutional and statutory rights protected under, *inter alia*, the *Mandatory Restitution Act* of 1996 [18 U.S.C. §§3663A and 3664] and the *Restitution Process for Victims of Federal Crimes* of money recovery programs promulgated by the U.S. Department of Justice -- all deliberately abrogated by judicial officers **under color of law**, manifesting clear public and judicial corruption, all of which were boldly further covered-up through documented misprision in which the judicial officers engaged, defiantly exhibiting un-relented deprivation of [c]onstitutional rights through judicial rogue with impunity, in clear obstruction of justice and abrogation of unambiguous federal mandates. *Id.*

DD. Accordingly, the panel is further presumed to know that PAG Bishay is unquestionably authorized by the U.S. Congress to seek monetary restitutions through the district court under 18 U.S.C. §§ 1961-1968, including §§ 1962(d) and 1964(c) and under the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664 promulgated by the U.S. Department of Justice and made available to **all** Victims of Federal Crimes, as follows:

⁵ The record presented in the First Circuit included a state-court “permanent injunction” drafted by Third-party Defendant Banash, with the endorsement of Third-party Defendant White and his twenty three (23) accomplices named above, including Third-party Defendant Cornetta in his capacity as a state-court judge who swiftly signed said unlawful injunction [see Affidavit of PAG Bishay, ECF No. 32] in April 2014 to *permanently enjoin* PAG Bishay from prosecuting any claims, *in any state court*, on account of the \$3.7 million in personal cash and other property belonging to him which were defalcated by White and his accomplices, and the fraudulent conveyance of the Plaintiffs’ homes in Westwood and Nantucket. Precisely what later took place when the Plaintiffs commenced a “fraudulent-conveyance” action in Massachusetts Land Court, where said state court, through Third-party Defendant Sands, refused to docket the Plaintiffs’ complaint on the basis of Cornetta’s injunction, hence naming Massachusetts Land and Massachusetts Superior Courts in this action as additional Third-party Defendants.

In most fraud cases, restitution may be ordered where victims of the offense of conviction have suffered the loss of money or... the damage or loss of property... The Court may order a defendant to pay an amount equal to each victim's actual losses, usually the value of the principal or property fraudulently obtained... The Court may order the return of property or money to a victim or to someone a victim chooses. The Court may also order restitution to persons other than victims of a convicted offense...

Restitution Process for Victims of Federal Crimes; 18 U.S.C. §§ 3663A and 3664.

CONCLUSION & RELIEF SOUGHT

WHEREFORE, based on the foregoing, as reflected in the Complaint and the pleadings submitted thereafter in the district court and here, the Plaintiffs sought discrete declaratory relief for (i) fraud perpetrated by Harris; (ii) Harris' [un]authorized assumption of judicial authority otherwise exclusively conferred upon the Justices [] of the U.S. Sup. Ct. by the U.S. Congress, as set forth in Rules 22 & 23 of the Rules of the U.S. Sup. Ct. (*supra*); (iii) civil conspiracy to defraud the Plaintiffs of their [c]ivil and [c]onstitutional rights within the meaning set forth in 18 U.S.C. §§ 371 and 1964; (iv) obstruction of justice within the meaning set forth in 18 U.S.C. § 1503; (v) aiding and abetting misprision of felony carried out by Third-parties Defendants described as "beneficiaries" of the chronicled federal crimes, concerning the defalcation of millions of dollars in cash and other property belonging to the Plaintiffs (the "*Victims of Federal Crimes*", as set forth in the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664), within the

meaning set forth in 18 U.S.C. § 4 and other federal statutes, including, without limitation, 18 U.S.C. § 2 of the [c]ivil and [c]onstitutional rights protected under 42 U.S.C. § 1983 as part of the *Civil Right Act* of 1871, the *5th* and the *14th Amendments* to the U.S. Constitution (*id*), in which Third-party Defendants named in this action engaged; (vi) mail fraud carried out by Harris and Third-party Defendants named in the within action, within the meaning set forth in 18 U.S.C. §§ 63 and 1341; (vii) wire-fraud in which Third-party Defendants named in this action engaged, of which Harris covered up, within the meaning set forth in 18 U.S.C. § 1343; (viii) interstate transportation of stolen funds and other property, within the meaning set forth in 18 U.S.C. § 2314, 2315, in which Third-party Defendants named in this action engaged and Harris covered up.

Accordingly, PAG Bishay respectfully requests that the panel's decision be forthwith **STAYED** and the accompanying motions be allowed, together with the relief sought therein.

Dated August 22, 2022

Respectfully submitted
by: Bahig Bishay, *PAG*

/s/ Bahig Bishay

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RULE 32(G)(1) CERTIFICATE

I, Bahig Bishay, certify that this document contains 5512 in countable words.

/s/ Bahig Bishay

Bahig Bishay

CERTIFICATE OF SERVICE

I, Bahig Bishay, hereby certify that I served true copy of this document upon on all counsels who filed appearances in this Court, via this Court's Electronic-Filing System, on August 22, 2022.

/s/ Bahig Bishay

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

1:21-cv-01831-TNM

Filed On: August 11, 2022

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellant

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the responses thereto, the replies, and the notice to join the motions for summary affirmance; the motion to exceed the word limit; the motion for summary reversal and supplement, and the responses thereto; the motion to stay, vacate, and remand and the responses thereto; and the motion for reconsideration of the court's order filed March 24, 2022, it is

ORDERED that the motion to exceed the word limit be granted. The Clerk is directed to file the response lodged on April 27, 2022. It is

FURTHER ORDERED that the motion for reconsideration be denied. It is

FURTHER ORDERED that the motions for summary affirmance be granted, the motions for summary reversal and to stay, vacate, and remand be denied, and, on the court's own motion, that the district court's orders filed March 1, 2022, and March 9, 2022, be affirmed as to the remaining appellees. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that it lacked jurisdiction to grant declaratory relief against the Clerk of the Supreme Court and two Clerk's office employees. See *In re: Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (the Supreme Court has "exclusive" supervisory responsibility over its Clerk, and "neither a district court nor a circuit court of appeals has jurisdiction to interfere with it by mandamus or otherwise."). Further, "the Supreme Court Clerk and Clerk's office

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

staff enjoy absolute immunity from a lawsuit for money damages based upon decisions falling within the scope of their official duties.” Miller v. Harris, 599 F. App’x 1, 1 (D.C. Cir. 2015) (per curiam); see also Sindram v. Suda, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (per curiam) (“[C]lerks, like judges, are immune from damage suits for performance of tasks that are an integral part of the judicial process.”). And appellants have forfeited any challenge to the district court’s dismissal of the complaint as to the parties listed as “third-party defendants.” See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) (“Ordinarily, arguments that parties do not make on appeal are deemed to have been waived.”).

Appellants’ remaining arguments are without merit. The defendants did not admit the allegations in the complaint by failing to deny them in a responsive pleading, because no responsive pleading was yet required. See Fed. R. Civ. P. 8(b)(6), 12(a)(4)(A). Moreover, the district court was not required to make findings of fact when deciding the motions to dismiss. See Fed. R. Civ. P. 52(a)(3). Finally, appellants have not shown that the district court abused its discretion in denying their post-judgment motions. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

TAB-B

No. 22-5060

In re Bishay, et al. v. Harris, et al.

IN THE
United States Court of Appeals
For the District of Columbia Circuit

Bahig Bishay, in his individual capacity and
Private Attorney General¹ & another²,
Plaintiffs-Appellants,

vs.

Scotts S. Harris, in his individual capacity,
& others³ in their individual capacities, *et al.*,
Defendants & Third-Party Defendants-Appellees.

An appeal from the U.S. District Court for the District of Columbia
Civil Action No. 1:21-cv-01831-TNM

**PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S
MOTION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT
HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE
UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR ORDER
DIRECTING THE TRIAL COURT TO COMPLY WITH U.S. SUP. CT'S
INSTRUCTIONS SET FORTH IN SAUCIER v. KATZ, 533 U.S. 194 (2001),
REQUIRING THE DEFENDANTS TO ANSWER THE COMPLAINT OR
RESPOND TO RULE 36 REQUESTED ADMISSIONS TO BE SERVED
BY PLAINTIFFS SO THE COURT MAY DETERMINE IF "QUALIFIED
IMMUNITY" IS AVAILABLE IN 2-PART TEST: (1) WHETHER THE
FACTS INDICATE A CONSTITUTIONAL RIGHT WAS VIOLATED; (2)
IF SO, WHETHER THAT RIGHT WAS CLEARLY ESTABLISHED AT
THE TIME OF THE ALLEGED CONDUCT.**

¹ At his behest and those similarly situated citizens of the United States, pursuant to 18 U.S.C. §§1961-1968, with neither fear nor favor.

² Mary Bishay.

³ Mara Silver and Susan Frimpong.

Pursuant to Circuit Rules 21, 27, 35 & 40 and the panel's determination reflected in the Order dated August 11, 2022, acknowledging that Private Attorney General Bahig Bishay ("PAG Bishay") indeed filed timely motions below under Rules 52 and 59 of the FRCP but the trial judge failed to make findings consistent with the allegations set forth in the Complaint; and the panel's proffer that the trial judge was *not* required to make findings consistent with the allegations set forth in the Complaint notwithstanding the clarity of this court's prior rulings to the contrary, which were referenced in PAG Bishay's *Motion for Stay, Vacatur and Remand* [Document # 1939514] and his *Summary Reversal Motion* [Document #s 1943240, 1943249 and 1943250], and if this circuit obstinately persists *** notwithstanding all that is said in the *PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S PETITION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR (a) PANEL REHEARING, or (b) EN BANC DETERMINATION, or (c) WRIT OF MANDAMUS STAYING A PANEL DECISION (Per Curiam) DEVOID OF LEGISLATIVE OR SUPREME COURT AUTHORITY TO SUPPORT A PANEL PROFFER THAT THE U.S. SUPREME COURT POSSESSES "ORIGINAL" & "EXCLUSIVE" JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS*

*CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE SUPREME COURT'S CLERK [SOLELY] IN INDIVIDUAL CAPACITY; (3) SEEKING DECLARATORY DETERMINATION; (4) MONETARY DAMAGES ASSESSED AGAINST THIRD-PARTY DEFENDANTS DESCRIBED AS "BENEFICIARIES" *** all incorporated herein by reference **** PAG Bishay respectfully moves the panel or the *En Banc* Court, in the interest of (i) due process; (ii) sound judgment; (iii) public policy; and (vi) to spare the U.S. Sup. Ct. and its Justices from having to direct the trial court to correct its erroneous factual statement described in Document #s 1939514 & 1943249, to direct the trial court to take the following actions:

- I. Order the Defendants to answer the Complaint or respond to *Requested Admissions* to be served by the Plaintiffs under Rule 36 of the FRCP.
- II. Conduct the 2-part test the U.S. Sup. Ct. published in *Asaucier v. Katz*, 533 U.S. 194 (2001), and determine (1) whether the facts set forth in the Complaint indicate a constitutional right was violated; (2) if so, whether that right was clearly established at the time of the alleged conduct.
- III. Make findings of fact and rulings of law consistent with the foregoing and the allegations set forth in the Complaint. *Infra.*

IV. Acknowledge that the [M]onetary damages and [R]estitutions sought by the Plaintiffs, as described in numerous documents presented in the district court and identified below, were to be assessed against Third-party Defendants described therein as “[B]eneficiaries” of the federal crimes listed in the Complaint (*infra*), as the Plaintiffs so stated in the following submissions:

1) Complaint [RA 9, 28, 86]⁴, which states:

The within action seeks redress for (i) fraud perpetrated by the Harris-Team; (ii) the Harris-Teams’ [un]authorized assumption of judicial authority otherwise exclusively conferred upon the Justices of the U.S. Sup. Ct. by the U.S. Congress; (iii) civil conspiracy among the members of the Harris-Team to defraud the Bishays of their [c]ivil and [c]onstitutional rights within the meaning set forth in 18 U.S.C. §§ 371 and 1964; (iv) obstruction of justice within the meaning set forth in 18 U.S.C. § 1503; (v) **aiding and abetting misprision of felony carried out by the third-parties named in the within action, describing the defalcation of millions of dollars in cash and other property belonging to the Bishays**, within the meaning set forth in 18 U.S.C. § 4, and other federal law, including, without limitation, 18 U.S.C. § 2, of the [c]ivil and [c]onstitutional rights protected under 42 U.S.C. § 1983, as part of the Civil Right Act of 1871, the 5th and the 14th Amendments to the U.S. Constitution, **in which the third-party defendants named in the within action engaged**; (vi) mail fraud carried out by the Harris-Team and the third-party defendants named in the within action, within the meaning set forth in 18 U.S.C. §§ 63 and 1341; (vii) **wire-fraud in which the third-party defendants engaged** (*infra*), of which the Harris-Team coved up, within the meaning set forth in 18 U.S.C. § 1343; (viii) **interstate transportation of stolen funds and other property** (*infra*), within the meaning set forth in 18 U.S.C. § 2314, 2315, **of which the third-party defendants engaged** and the Harris-Team covered up under

⁴ [RA ___] means the Record Appendix presented in this court. [Document # 1943250]

color of law, with impunity but without congressional authority (id), in concert with or to the benefit of the third-party defendants named in this complaint.

Based on Bishay's business acumen and historical earning capacity; the defalcation of personal funds; the fraudulent conveyance of personal properties; the loss of earnings and revenues; the emotional distress and other family and personal damages sustained, the Bishays expect a jury award of more than \$100.0 million in quantifiable damages, plus punitive sums pursuant to the applicable federal law (id) in due course.

Count-XX, pursuant to the *Fifth* and the *Fourteenth* Amendments to the U.S. Constitution; 42 U.S.C. §§ 1983 and 1985(3), 28 U.S.C. § 1361; the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664; and the *Restitution Process for Victims of Federal Crimes* of money recovery programs promulgated by the U.S. Department of Justice, award the Bishays financial losses and personal damages they sustained as a direct result of the unlawful activities described in this complaint, pursuant to the applicable federal laws and regulations (supra), the exact amount of which will be calculated prior to the date of the trial; plus Exemplary Punitive Damages in an amount not less than \$300,000,000 or another amount otherwise decided by a jury; plus enhanced (treble) monetary damages pursuant to 18 U.S.C. § 1964(c); plus statutory interest; plus litigation expenses, including reasonable attorneys' fees in the capacity of Private Attorney General, costs, and disbursements; and grant any such other relief this Court deems just and/or appropriate.

[Bold and underline text provided above for emphasis]

- 2) Further, as reflected in numerous pleadings and responses the Plaintiffs submitted below in opposition to Third-party Defendants' Motion[s] to Dismiss, the Plaintiffs provided the further below statements in their

opposition to Third-party Defendant Bell Atlantic Yellow Pages n/k/a Verizon Communications' Motion to Dismiss [ECF No. 101], and the same or similar statements in response to Bank of America, Merrill Lynch Credit Corp, Real Estate Growth Fund, Citicorp, Gibraltar Holdings, Mechanics Co/Operative Bank, Brighton Avenue Associates, Conn Kavanagh, GMAC n/k/a Ally Financial, Grumbach, Banash White, and others, where the below excerpts appearing in ECF No. 111, state:

Therefore, what Verizon is now faced with is not merely its agent's reckless choice in organizing a state-court receivership naming USAX, but rather, it is Verizon's reckless disregard for the legal consequences which followed its over-aggressive bill collection tactics, which Verizon and its coconspirators named in this action fearlessly continued through 2014, through which more than \$3.7 million in cash and other property belonging to the Plaintiffs named in this action were defalcated through a VOID state-court receivership, **as they now find themselves facing federal redress in the form of restitutions mandated under the Fifth and the Fourteenth Amendments to the U.S. Constitution; 42 U.S.C. §§ 1983 and 1985(3), 28 U.S.C. § 1361; the Mandatory Restitution Act of 1996, 18 U.S.C. §§ 3663A and 3664; the Restitution Process for Victims of Federal Crimes of money recovery programs** promulgated by the U.S. Department of Justice; and the **financial losses and personal damages the Plaintiffs sustained for two decades to date**, as a direct result of the unlawful activities described in the Complaint, the exact amount of which will be calculated prior to the date of the trial; plus Exemplary Punitive Damages in an amount not less than \$300,000,000 or another amount otherwise decided by a jury; enhanced (treble) monetary damages under 18 U.S.C. § 1964(c); statutory interest, litigation expenses and reasonable attorneys' fees in the capacity of Private Attorney General, costs, and disbursements, **as set forth in the Complaint at pp. 79-83**, as a direct result of the

federal violations and consequential damages identified in the Complaint, as follows:

- i) RICO violations, under 18 U.S.C. §§1961-1968;
- ii) Misprision of Felony, under 18 U.S.C. §4;
- iii) Mail Fraud, under 18 U.S.C. §63;
- iv) Bankruptcy Fraud, under 18 U.S.C. §152;
- v) Concealment of Debtor's Assets, under 18 U.S.C. §3284;
- vi) Bankruptcy Automatic Stay violations, under 11 U.S.C. §362;
- vii) Aiding and Abetting violations, under 18 U.S.C. §2; and
- viii) Obstruction of Justice violations, under 18 U.S.C., Ch. 73, § 1509, documented through uncontroverted evidence reflecting a state judge's (third-party defendant Cornetta) unlawful injunction foreclosing the Plaintiffs from prosecuting any action, **in any state court**, naming the state-court's officer who, together with twenty three (23) accomplices defalcated more than \$3.7 million in cash and other property belonging to the Plaintiffs and aiding in the fraudulent conveyance of the Plaintiffs' Westwood home to for less than 10% of its admitted value through a cover-up, obstruction of justice scheme designed to shield the state judge, the state-officer and the twenty three (23) accomplices from the predictable redress, all of which was documented through uncontroverted evidence the Plaintiffs presented in the First Circuit -- all uniformly and deliberately deprived the Plaintiffs of constitutional and statutory rights protected under, *inter alia*, the **Mandatory Restitution Act of 1996 [18 U.S.C. §§3663A and 3664]** and the **Restitution Process for Victims of Federal Crimes of money recovery programs** promulgated by the U.S. Department of Justice -- all deliberately abrogated by said circuit judicial officers under color of law, manifesting clear public and judicial corruption, all of which were boldly further covered-up through documented

misprision in which the circuit judicial officers engaged, defiantly exhibiting un-relented deprivation of [c]onstitutional rights through judicial rogue with impunity, in clear obstruction of justice and abrogation of unambiguous federal mandates.

Having addressed the hyper-technical defenses advanced specifically by Verizon, the Plaintiffs will now turn to the rest of the defenses Verizon opted to adopt, ranging from subject matter, personal jurisdiction, venue, federal authority, statute of limitation, etc.. **There can be no legitimate debate introduced by Verizon or any of the Defendants or Third-party Defendants named in this action to suggest**, with the required veracity, **that the U.S. Congress failed to confer upon this Court requisite authority to adjudicate the claims set forth in the Complaint** [ECF No. 1], specifically as pertaining to the following (i) subject matter jurisdiction under Article III, §§ 1 and 2 of the United States Constitution; 28 U.S.C. §§ 1331, 1361, 1391(b), 1651(a), and 2201, et seq., 42 U.S.C. §§ 1983 and 1985(3), 18 U.S.C. §1964(c), and 28 U.S.C. § 1332, concerning the federal law violations chronicled in the within Complaint (id); (ii) venue and personal jurisdiction over the three (3) “Defendants”, under 28 U.S.C. § 1391(b), et seq.; (iii) proper venue and personal jurisdiction over the fifty five (55) **“Third-Party Defendants / Beneficiaries”** named in this action, under 18 U.S.C. §§ 371 and 3237 (infra), Obstruction of Justice, under 18 U.S.C. § 1503, Ch. 73 § 1509, Misprision of Felony, under 18 U.S.C. § 4, Aiding and Abetting, under 18 U.S.C. § 2, Wire Fraud violations, under 18 U.S.C. § 1343, Transportation of Stolen Funds and property, under 18 U.S.C. § 2314, 2315, Mail Fraud, under 18 U.S.C. §§ 63 and 1341, Bankruptcy Fraud, under 18 U.S.C. § 152, Concealment of Debtor’s Assets, under 18 U.S.C. § 3284, Bankruptcy Automatic stay violations, under 11 U.S.C. § 362, RICO violations, under 18 U.S.C. §§ 1961-1968, as chronicled in the Complaint [Comp. pp. 20-33; 68-83]; and that (iv) **this Court is unquestionably authorized to grant declaratory and monetary relief available to all citizens of the United States**, under the *Fifth* and the *Fourteenth* Amendments to the U.S. Constitution, 42 U.S.C. §§ 1983 and 1985(3), 28 U.S.C. § 1361, the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664, the *Restitution Process for Victims of Federal Crimes of money*

recovery programs promulgated by the U.S. Department of Justice, and under 18 U.S.C. § 1964(c).

Having addressed Verizon's jurisdictional and venue arguments, in the interest of judicial economy; and if Verizon desires to escape liabilities identified in the Complaint, **Verizon will now be given an opportunity to admit or deny the below factual and statutory presumptions, under the standards and mandates set for in Rule 36 of the Federal Rules of Civil Procedure...**

Moreover, to once more put to rest the coconspirators' contention challenging this Court's personal and subject matter jurisdiction as well as venue, **in the precise capacity they are described in the Complaint as "Third-party Defendant / Beneficiary" of the federal law and [c]onstitutional violations in which the three Defendants engaged [Comp. at pp. 68-83]**, the Court's attention is respectfully drawn to the mandates set forth under 18 U.S.C. §§ 371 and 3237, which address crimes occurring in more than one district or outside any district. Section 3237 governs venue for certain multi-district crimes, as here. In that, it consists of three parts: one for continuing offenses generally, another for offenses involving elements of the mails or interstate commerce, and a third for tax offenses. The first paragraph of Section 3237 is the oldest portion of the statute. Originally enacted during Reconstruction as part of the general conspiracy statute now found in 18 U.S.C. § 371, the Revised Statutes made it applicable to all multi-district federal crimes. Slightly modified in the 1948 revision, it now provides Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another... *United States v. Sterling*, 860 F.3d 233, 240-41 (4th Cir. 2017). In the within matter, the federal law crimes began in Massachusetts and were completed in the District of Columbia. [Comp. pp. 20-33; 68-83]

Furthermore, in such circumstances, the U.S. Supreme Court also pointed out that conspiracy could be considered something akin to a continuous offense. Conspiracy, it declared, in *Hyde v. United States*, may be tried in any district in which an overt act in its furtherance is committed. *Hyde v. United States*, 225 U.S. 347, 360-66 (1912). **In**

the within matter, the overt acts are described in the Complaint at pp. 68-83; and that the standard followed by the U.S. Sup. Ct. in *Pinkerton v. United States*, 328 U.S. 640 (1946), where the Court held that participants in a conspiracy become criminally responsible for the reasonably foreseeable acts of any co-conspirators committed during the Conspiracy and in furtherance of the Conspiracy, squarely applies here. The Court further held that all members of a conspiracy can be charged for crimes committed by their co-conspirators that are within the scope of the conspiracy and are a reasonably foreseeable consequences of the conspiracy. In addition, statements made by co-conspirators during and in furtherance of a conspiracy are not considered to be hearsay, so can be used at trial against other members of the Conspiracy.

Finally, in response to Verizon's contention that the within action is "time-barred", this contention is also squarely debunked based on the undisputed continued litigation from 2001 through 2014, then continued in other courts through the present, **as chronicled in the Complaint and the Affidavit of Bahig Bishay. [ECF Nos. 1, 32-33]**

Accordingly, Verizon is presumed to know, based on its counsels' legal acumen, that the Statute of Limitations does not begin to run until the crime is completed, and in the within action the crime was completed in 2020. *Id.* See Complaint at pp. 68-83; *Toussie v. United States*, 397 U.S. 112, 115 (1970) (quoting *Pendergast v. United States*, 317 U.S. 412, 418 (1943)); see also *United States v. Ongaga*, 820 F.3d 152, 159-60 (5th Cir. 2016); *United States v. Bennett*, 765 F.3d 887, 893 (8th Cir. 2014); *United States v. Perry*, 757 F.3d 166, 173 (4th Cir. 2014); *United States v. Venti*, 687 F.3d 501, 503 (1st Cir. 2012); *United States v. Eppolito*, 543 F.3d 25, 46 (2d Cir. 2008); *United States v. Reitmeyer*, 356 F.3d 1313, 1317 (10th Cir. 2004); *United States v. Najjor*, 255 F.3d 979, 983 (9th Cir. 2001); *United States v. Dees*, 215 F.3d 378, 380 (3d Cir. 2000); *United States v. Yashar*, 166 F.3d 873, 875 (7th Cir. 1999); *United States v. Lutz*, 154 F.3d 581, 586 (6th Cir. 1998); *United States v. Gilbert*, 136 F.3d 1451, 1453 (11th Cir. 1998).

Verizon is also presumed to know that states' statutes of limitations do not apply to Federal Claims, specifically "Bankruptcy Fraud" within the meaning set forth in 18 U.S.C. § 152 and RICO, 18 U.S.C. §§ 1961-1968; nor to Civil Rights violations under 42 U.S.C. § 1988, as defined in 42 U.S.C. § 1985(3) as follows: "*If two or more persons in any State or Territory conspire... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws... or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws... or to injure any citizen in person or property... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.*"

In the within action, pursuant to constitutional and statutory rights protected under, inter alia, the *Fifth* and the *Fourteenth* Amendments to the U.S. Constitution; 42 U.S.C. §§ 1983 and 1985(3); 28 U.S.C. § 1361; the *Mandatory Restitution Act of 1996* [18 U.S.C. §§3663A and 3664]; and the *Restitution Process for Victims of Federal Crimes of money recovery programs* promulgated by the U.S. Department of Justice, all deliberately abrogated by the Defendants and Third-party Defendants, manifesting clear public and judicial corruption under color of law, all of which were boldly further covered-up through documented misprision in which judicial officers named Third-party Defendants here engaged, defiantly exhibiting un-relented deprivation of [c]onstitutional rights through judicial rogue, with impunity, in clear obstruction of justice manner manifest throughout and ardent abrogation of [un]ambiguous federal mandates at every corner, the Plaintiffs are unquestionably entitled to recover the personal and monetary damages demanded in the Civil Cover Sheet including the restitution described in the Complaint.

Therefore, **based on the allegations set forth in the Complaint [1] and the Affidavit of Bahig Bishay, together with Exhibit A through Exhibit Y [32-33], Third-party Defendant Verizon must admit the facts [c]learly stated in the Complaint [1]; the uncontroverted evidence appended to the Affidavit of Bahig Bishay [32-33];** the Presumptions-Admissions listed above; the discrete relief sought in the Complaint at pp. 79-83; and the Plaintiffs' responses to the rest of the hyper-technical defenses presented by other parties and ranging from improper invocation of the *Rooker Feldman* doctrine, improper challenge to this Court's jurisdiction, venue, phantom immunity defenses, phantom privilege defenses, *res judicata* and other [in]applicable defenses, all of which are **addressed in the Plaintiffs' Oppositions and Objections presented in this action at ECF Nos. 32, 50, 87, 90 and 91**, squarely debunking all such frivolous defenses based on the [un]disputed facts set forth in the Complaint [1], the sworn statements reflected in the Affidavit of Bahig Bishay and the [un]controverted evidence appended thereto in Exhibits A through Y [32-33], and the Presumptions-Admissions listed in ECF Nos. 32 and 50, thus requiring Third-party Defendant Verizon to concede the following conclusions based on its counsel's legal acumen: (i) as a matter of federal law, all state courts having anything to do with USAX's state court receivership became VOID once the U.S. Bankruptcy Court assumed exclusive jurisdiction over USAX's Estate on January 16, 2002; (ii) all decisions or judgments entered by the U.S. District Court for the District of Massachusetts, which became subject to appeals in the U.S. Appeals Court for the First Circuit, Nos. 19-1975; 19-1257; and 15-1563, became VOID in 2020 once the majority of the judicial officers of the First Circuit finally admitted their DISQUALIFICATION to adjudicate any matter naming the Bishays, as a direct result of the Judicial Notice the Bishays published in 2015 and again in 2020 [Exhibit-V], and (iii) the Harris-Team took matters into its own hands and [un]lawfully abrogated federal law and squarely engaged in [c]onstitutional violations by concealing four (4) Applications the Bishays delivered to the Harris-Team in 2020 from the U.S. Supreme Court Justices allotted to the First and the D.C. Circuits, concerning First Circuit Nos. 19-1975, 19-1257 and 15-1563, and the D.C. Circuit No. 19-5141 stemming from the U.S. District Court for the District of

Columbia No. 1:19-cv-01045-UNA and its Clerk's failure to issue the Summons the Bishays sought therein, accordingly, the Harris-Team deliberately, thus [un]lawfully, foreclosed the Bishays' [c]onstitutional rights, as alleged in the Complaint at ECF No. 1, pp. 68-83.

And to further concede that: (i) fraud was unquestionably perpetrated by the Harris-Team; (ii) the Harris-Teams lacked authority to assume a judicial role otherwise exclusively conferred upon the Justices of the U.S. Sup. Ct. by the U.S. Congress; (iii) civil conspiracy among the members of the Harris-Team to defraud the Bishays of their [c]ivil and [c]onstitutional rights within the meaning set forth in 18 U.S.C. §§ 371 and 1964 has been established; (iv) obstruction of justice within the meaning set forth in 18 U.S.C. § 1503 has been established; (v) aiding and abetting misprision of felony **carried out by Third-party Defendants named in the within action**, concerning the defalcation of millions of dollars in cash and other property belonging to the Bishays, within the meaning set forth in 18 U.S.C. § 4 and other federal law, including, without limitation, 18 U.S.C. § 2, of the [c]ivil and [c]onstitutional rights protected under 42 U.S.C. § 1983, as part of the Civil Right Act of 1871, the 5th and the 14th Amendments to the U.S. Constitution, **in which Third-party Defendants named in this action engaged**, has been established; (vi) mail fraud carried out by the Harris-Team and the Third-party Defendants named in the within action, within the meaning set forth in 18 U.S.C. §§ 63 and 1341, has been established; (vii) **wire-fraud in which Third-party Defendants named in this action engaged**, of which the Harris-Team covered up, within the meaning set forth in 18 U.S.C. § 1343, has been established; and (viii) **interstate transportation of stolen funds and other property**, within the meaning set forth in 18 U.S.C. § 2314, 2315, **in which Third-party Defendants named in this action engaged** and the Harris-Team covered up under color of law with impunity, without congressional authority (id), has been established... **all in concert with or to the benefit of Third-party Defendants named in this action**, who, together ended up defalcating more than \$3.7 million in cash and other property belonging to the Bishays through USAX's VOID state court receivership, as set forth in the Complaint [ECF No. 1]... all of whom/which Defendant Scott Harris

and his Aides aided and abetted [Comp. pp. 68-83], within the standards set forth in 18 U.S.C. §§ 371 and 3237 (conspiracy may be tried in any district in which an overt act in its furtherance is committed). *Hyde v. United States*, 225 U.S. 347, 360-66 (1912); *Pinkerton v. United States*, 328 U.S. 640 (1946), where the U.S. Sup. Ct. further held that participants in a conspiracy become criminally responsible for the reasonably foreseeable acts of any co-conspirators committed during the Conspiracy and in furtherance of the Conspiracy. Where the Court further held that all members of a conspiracy can be charged for crimes committed by their co-conspirators that are within the scope of the conspiracy and are a reasonably foreseeable consequences of the conspiracy. In addition, statements made by co-conspirators during and in furtherance of a conspiracy are not considered to be hearsay, so can be used at trial against other members of the Conspiracy, as the Plaintiffs intend to do in due course.

[Bold and underline text provided above for emphasis]

WHEREFORE, based on the foregoing, PAG Bishay respectfully moves the panel or the *En Banc* Court to grant the relief requested in ¶¶ I, II, III and IV.

Dated August 22, 2022

Respectfully submitted

by: Bahig Bishay, *PAG*

/s/ Bahig Bishay

Bahig Bishay

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RULE 32(G)(1) CERTIFICATE

I, Bahig Bishay, certify that this document contains 4345 in countable words.

/s/ Bahig Bishay
Bahig Bishay

CERTIFICATE OF SERVICE

I, Bahig Bishay, hereby certify that I served true copy of this document upon on all counsels who filed appearances in this Court, via this Court's Electronic-Filing System, on August 22, 2022.

/s/ Bahig Bishay

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

1:21-cv-01831-TNM

Filed On: August 11, 2022

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellant

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the responses thereto, the replies, and the notice to join the motions for summary affirmance; the motion to exceed the word limit; the motion for summary reversal and supplement, and the responses thereto; the motion to stay, vacate, and remand and the responses thereto; and the motion for reconsideration of the court's order filed March 24, 2022, it is

ORDERED that the motion to exceed the word limit be granted. The Clerk is directed to file the response lodged on April 27, 2022. It is

FURTHER ORDERED that the motion for reconsideration be denied. It is

FURTHER ORDERED that the motions for summary affirmance be granted, the motions for summary reversal and to stay, vacate, and remand be denied, and, on the court's own motion, that the district court's orders filed March 1, 2022, and March 9, 2022, be affirmed as to the remaining appellees. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that it lacked jurisdiction to grant declaratory relief against the Clerk of the Supreme Court and two Clerk's office employees. See *In re: Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (the Supreme Court has "exclusive" supervisory responsibility over its Clerk, and "neither a district court nor a circuit court of appeals has jurisdiction to interfere with it by mandamus or otherwise."). Further, "the Supreme Court Clerk and Clerk's office

United States Court of Appeals
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No. 22-5060

September Term, 2021

staff enjoy absolute immunity from a lawsuit for money damages based upon decisions falling within the scope of their official duties.” Miller v. Harris, 599 F. App’x 1, 1 (D.C. Cir. 2015) (per curiam); see also Sindram v. Suda, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (per curiam) (“[C]lerks, like judges, are immune from damage suits for performance of tasks that are an integral part of the judicial process.”). And appellants have forfeited any challenge to the district court’s dismissal of the complaint as to the parties listed as “third-party defendants.” See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) (“Ordinarily, arguments that parties do not make on appeal are deemed to have been waived.”).

Appellants’ remaining arguments are without merit. The defendants did not admit the allegations in the complaint by failing to deny them in a responsive pleading, because no responsive pleading was yet required. See Fed. R. Civ. P. 8(b)(6), 12(a)(4)(A). Moreover, the district court was not required to make findings of fact when deciding the motions to dismiss. See Fed. R. Civ. P. 52(a)(3). Finally, appellants have not shown that the district court abused its discretion in denying their post-judgment motions. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

TAB-C

No. 22-5060

In re Bishay, et al. v. Harris, et al.

IN THE
United States Court of Appeals
For the District of Columbia Circuit

Bahig Bishay, in his individual capacity and
Private Attorney General¹ & another²,
Plaintiffs-Appellants,

vs.

Scotts S. Harris, in his individual capacity,
& others³ in their individual capacities, *et al.*,
Defendants & Third-Party Defendants-Appellees.

An appeal from the U.S. District Court for the District of Columbia
Civil Action No. 1:21-cv-01831-TNM

**PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S
MOTION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT
HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE
UNITED STATES UNDER U.S.C. §§ 1961-1968 RESPECTFULLY
MOVES THIS EN BANC COURT TO "CERTIFY" UNDER U.S. SUP.
CT'S RULE 19 THE FOLLOWING: WHETHER UNDER 28 U.S.C. § 1251
THE U.S. SUP. CT. POSSESSES "ORIGINAL" & "EXCLUSIVE"
JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS
CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE
SUPREME COURT'S CLERK [SOLELY] IN INDIVIDUAL CAPACITY; (3)
SEEKING DECLARATORY DETERMINATION; AND (4) MONETARY
DAMAGES TO BE ASSESSED ONLY AGAINST THIRD-PARTY
DEFENDANTS DESCRIBED AS "BENEFICIARIES"?**

¹ At his behest and those similarly situated citizens of the United States, pursuant to 18 U.S.C. §§1961-1968, with neither fear nor favor.

² Mary Bishay.

³ Mara Silver and Susan Frimpong.

Pursuant to Circuit Rules 21, 27, 35 & 40 and the panel's determination reflected in the Order dated August 11, 2022, acknowledging that Private Attorney General Bahig Bishay ("PAG Bishay") indeed filed timely motions below under Rules 52 and 59 of the FRCP but the trial judge failed to make findings consistent with the allegations set forth in the Complaint; and the panel's proffer that the trial judge was *not* required to make findings consistent with the allegations set forth in the Complaint notwithstanding the clarity of this court's prior rulings to the contrary, which were referenced in PAG Bishay's *Motion for Stay, Vacatur and Remand* [Document # 1939514] and his *Summary Reversal Motion* [Document #s 1943240, 1943249 and 1943250], in the interest of (i) due process; (ii) sound judgment; (iii) public policy; and (vi) to spare the U.S. Sup. Ct. and its Justices from having to direct the trial judge to correct his erroneous factual statements described in Document #s 1939514 & 1943249, and if this circuit obstinately persists *** notwithstanding all that is said in the *PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S PETITION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR (a) PANEL REHEARING, or (b) EN BANC DETERMINATION, or (c) WRIT OF MANDAMUS STAYING A PANEL DECISION (Per Curiam) DEVOID OF*

*LEGISLATIVE OR SUPREME COURT AUTHORITY TO SUPPORT A PANEL PROFFER THAT THE U.S. SUPREME COURT POSSESSES "ORIGINAL" & "EXCLUSIVE" JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE SUPREME COURT'S CLERK [SOLELY] IN INDIVIDUAL CAPACITY; (3) SEEKING DECLARATORY DETERMINATION; (4) MONETARY DAMAGES ASSESSED AGAINST THIRD-PARTY DEFENDANTS DESCRIBED AS "BENEFICIARIES" *** all incorporated herein by reference **** PAG Bishay respectfully moves this *En Banc* Court to **CERTIFY** the further below stated question to the U.S. Supreme Court, pursuant to Rule 19 of the Rules of the U.S. Sup. Ct., which provides, in the relevant part, as follows: *A United States court of appeals may certify to this Court a question or proposition of law on which it seeks instruction for the proper decision of a case. The certificate shall contain a statement of the nature of the case and the facts on which the question or proposition of law arises. Only questions or propositions of law may be certified, and they shall be stated separately and with precision. The certificate shall be prepared as required by Rule 33.2 and shall be signed by the clerk of the court of appeals, the following question or proposition of law:*

WHETHER UNDER 28 U.S.C. § 1251 THE U.S. SUP. CT. POSSESSES “ORIGINAL” & “EXCLUSIVE” JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE SUPREME COURT’S CLERK *SOLELY* IN INDIVIDUAL CAPACITY; (3) SEEKING *DECLARATORY* DETERMINATION; AND (4) MONETARY DAMAGES TO BE ASSESSED ONLY AGAINST THIRD-PARTY DEFENDANTS DESCRIBED AS “BENEFICIARIES”?

WHEREFORE, based on the aforesaid, PAG Bishay respectfully moves this *En Banc* Court to take the foregoing requested action.

Dated August 22, 2022

Respectfully submitted
by: Bahig Bishay, *PAG*

/s/ Bahig Bishay

Bahig Bishay
P.O. Box 396
Norwood, MA 02062
T: 781.551.0400
E: BFBishay@earthlink.net

RULE 32(G)(1) CERTIFICATE

I, Bahig Bishay, certify that this document contains 770 in countable words.

/s/ Bahig Bishay
Bahig Bishay

CERTIFICATE OF SERVICE

I, Bahig Bishay, hereby certify that I served true copy of this document upon on all counsels who filed appearances in this Court, via this Court's Electronic-Filing System, on August 22, 2022.

/s/ Bahig Bishay

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

1:21-cv-01831-TNM

Filed On: August 11, 2022

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellant

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the responses thereto, the replies, and the notice to join the motions for summary affirmance; the motion to exceed the word limit; the motion for summary reversal and supplement, and the responses thereto; the motion to stay, vacate, and remand and the responses thereto; and the motion for reconsideration of the court's order filed March 24, 2022, it is

ORDERED that the motion to exceed the word limit be granted. The Clerk is directed to file the response lodged on April 27, 2022. It is

FURTHER ORDERED that the motion for reconsideration be denied. It is

FURTHER ORDERED that the motions for summary affirmance be granted, the motions for summary reversal and to stay, vacate, and remand be denied, and, on the court's own motion, that the district court's orders filed March 1, 2022, and March 9, 2022, be affirmed as to the remaining appellees. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that it lacked jurisdiction to grant declaratory relief against the Clerk of the Supreme Court and two Clerk's office employees. See *In re: Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (the Supreme Court has "exclusive" supervisory responsibility over its Clerk, and "neither a district court nor a circuit court of appeals has jurisdiction to interfere with it by mandamus or otherwise."). Further, "the Supreme Court Clerk and Clerk's office

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

staff enjoy absolute immunity from a lawsuit for money damages based upon decisions falling within the scope of their official duties.” Miller v. Harris, 599 F. App’x 1, 1 (D.C. Cir. 2015) (per curiam); see also Sindram v. Suda, 986 F.2d 1459, 1460 (D.C. Cir. 1993) (per curiam) (“[C]lerks, like judges, are immune from damage suits for performance of tasks that are an integral part of the judicial process.”). And appellants have forfeited any challenge to the district court’s dismissal of the complaint as to the parties listed as “third-party defendants.” See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) (“Ordinarily, arguments that parties do not make on appeal are deemed to have been waived.”).

Appellants’ remaining arguments are without merit. The defendants did not admit the allegations in the complaint by failing to deny them in a responsive pleading, because no responsive pleading was yet required. See Fed. R. Civ. P. 8(b)(6), 12(a)(4)(A). Moreover, the district court was not required to make findings of fact when deciding the motions to dismiss. See Fed. R. Civ. P. 52(a)(3). Finally, appellants have not shown that the district court abused its discretion in denying their post-judgment motions. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

TAB-D

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2022

1:21-cv-01831-TNM

Filed On: September 22, 2022

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellant

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge, and Henderson*, Millett, Pillard, Wilkins,
Katsas, Rao, Walker, and Childs, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc and the supplements thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

* Circuit Judge Henderson did not participate in this matter.

TAB-E

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060**September Term, 2022****1:21-cv-01831-TNM****Filed On: September 22, 2022**

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellants

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the petition for rehearing, which includes a motion to stay the mandate, and the supplements to the petition, it is

ORDERED that the petition for rehearing be denied. It is

FURTHER ORDERED that the motion to stay the mandate be denied. Appellants have not shown good cause for the relief sought. See D.C. Cir. Rule 41(a)(2).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

TAB-F

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060

September Term, 2021

1:21-cv-01831-TNM

Filed On: August 11, 2022

Bahig F. Bishay, in his individual capacity and
Private Attorney General & another,

Appellant

v.

Scott S. Harris, in his individual capacity, &
others in their individual capacities, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the responses thereto, the replies, and the notice to join the motions for summary affirmance; the motion to exceed the word limit; the motion for summary reversal and supplement, and the responses thereto; the motion to stay, vacate, and remand and the responses thereto; and the motion for reconsideration of the court's order filed March 24, 2022, it is

ORDERED that the motion to exceed the word limit be granted. The Clerk is directed to file the response lodged on April 27, 2022. It is

FURTHER ORDERED that the motion for reconsideration be denied. It is

FURTHER ORDERED that the motions for summary affirmance be granted, the motions for summary reversal and to stay, vacate, and remand be denied, and, on the court's own motion, that the district court's orders filed March 1, 2022, and March 9, 2022, be affirmed as to the remaining appellees. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that it lacked jurisdiction to grant declaratory relief against the Clerk of the Supreme Court and two Clerk's office employees. See *In re: Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (per curiam) (the Supreme Court has "exclusive" supervisory responsibility over its Clerk, and "neither a district court nor a circuit court of appeals has jurisdiction to interfere with it by mandamus or otherwise."). Further, "the Supreme Court Clerk and Clerk's office

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5060**September Term, 2021**

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Appellants’ remaining arguments are without merit. The defendants did not admit the allegations in the complaint by failing to deny them in a responsive pleading, because no responsive pleading was yet required. See Fed. R. Civ. P. 8(b)(6), 12(a)(4)(A). Moreover, the district court was not required to make findings of fact when deciding the motions to dismiss. See Fed. R. Civ. P. 52(a)(3). Finally, appellants have not shown that the district court abused its discretion in denying their post-judgment motions. See Firestone v. Firestone, 76 F.3d 1205, 1208 (D.C. Cir. 1996) (per curiam).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

TAB-G

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 22-5060
Nature of Suit: 2442 Jobs
 Bahig Bishay v. Scott Harris, et al
Appeal From: United States District Court for the District of Columbia
Fee Status: Fee Paid

Docketed: 03/15/2022
Termed: 08/11/2022

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : 1:21-cv-01831-TNM
Trial Judge: Trevor Neil McFadden, U.S. District Judge
Date Filed: 07/07/2021
Date Order/Judgment: 03/01/2022

Lead: 1:21-cv-01831-TNM

Date NOA Filed:
03/10/2022

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

Bahig F. Bishay, in his individual capacity and Private Attorney
 General & another

Plaintiff - Appellant

Bahig F. Bishay
 Direct: 781-551-0400
 Email: bfbishay@earthlink.net
 [NTC Pro Se]
 PO Box 396
 Norwood, MA 02062

v.

Scott S. Harris, in his individual capacity, & others in their individual
 capacities

Defendant - Appellee

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 [COR LD NTC Gvt US Attorney]
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R. Craig Lawrence
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 [COR NTC Gvt US Attorney]
 U.S. Attorney's Office
 (USA) Civil Division
 Firm: 202-252-2500
 601 D Street, NW
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Jeffrey R. Howard, in his individual capacity
 Defendant - Appellee

Blake Weiner, Assistant U.S. Attorney
 [COR LD NTC Gvt US Attorney]
 (see above)

R. Craig Lawrence
 [COR NTC Gvt US Attorney]
 (see above)

Juan R. Torruella, in his individual capacity
 Defendant - Appellee

William J. Kayatta, in his individual capacity

Blake Weiner, Assistant U.S. Attorney

Defendant - Appellee

[COR LD NTC Gvt US Attorney]
(see above)

R. Craig Lawrence
[COR NTC Gvt US Attorney]
(see above)

Sandra L. Lynch, in her individual capacity
Defendant - Appellee

Blake Weiner, Assistant U.S. Attorney
[COR LD NTC Gvt US Attorney]
(see above)

R. Craig Lawrence
[COR NTC Gvt US Attorney]
(see above)

O. Rogerie Thompson, in her individual capacity
Defendant - Appellee

Blake Weiner, Assistant U.S. Attorney
[COR LD NTC Gvt US Attorney]
(see above)

R. Craig Lawrence
[COR NTC Gvt US Attorney]
(see above)

David J. Barron, in his individual capacity
Defendant - Appellee

Blake Weiner, Assistant U.S. Attorney
[COR LD NTC Gvt US Attorney]
(see above)

R. Craig Lawrence
[COR NTC Gvt US Attorney]
(see above)

Maura Healy, in her individual capacity
Defendant - Appellee

Robert E. Toone, Jr., Attorney
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Barbara A. Lenk, in her individual capacity
Defendant - Appellee

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David A. Lowy, in his individual capacity
Defendant - Appellee

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Kimberly S. Budd, in her individual capacity
Defendant - Appellee

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<p>Scott Kafker, in his individual capacity Defendant - Appellee</p>	<p>Phobe Fischer-Groban [NTC Gvt Non-Federal] (see above)</p> <p>Robert E. Toone, Jr., Attorney Direct: 617-963-2178 [COR LD NTC Gvt Non-Federal] (see above)</p> <p>Cassandra Bolanos [NTC Gvt Non-Federal] (see above)</p> <p>Phobe Fischer-Groban [NTC Gvt Non-Federal] (see above)</p>
<p>Merrill Lynch Credit Corp, now known as Bank of America N.A. Defendant - Appellee</p>	<p>Jessica R. Blaemire, Attorney Direct: 202-508-6357 Email: jblaemire@gmail.com Fax: 202-220-7657 [COR LD NTC Retained] Bryan Cave Leighton Paisner LLP Firm: 202-508-6000 1155 F Street, NW Suite 700 Washington, DC 20004</p>
<p>Real Estate Growth Fund, LLC Defendant - Appellee</p>	<p>Steven J. Parrott Direct: 301-352-4950 Email: sparrott@decarodoran.com Fax: 301-352-8691 [NTC Retained] DeCaro, Doran, Siciliano, Gallagher & DeBlasis, LLP Firm: 301-352-4950 17251 Melford Boulevard Suite 200 Bowie, MD 20715</p>
<p>Jon Freeman Defendant - Appellee</p>	
<p>Peter D. Kyburg Defendant - Appellee</p>	
<p>Kurt Deuschle Defendant - Appellee</p>	<p>Kurt Deuschle [NTC Pro Se] 563 Yoho Head Road Machiasport, ME 04655</p>
<p>Alvin Nathanson Defendant - Appellee</p>	<p>Alvin Nathanson Email: asn@natgolaw.com [NTC Pro Se] Nathanson & Goldberg, P.C. MA Firm: 617-210-4810 183 Atlantic Avenue 5th Floor Boston, MA 02109</p>
<p>Citicorp Leasing, Inc. Defendant - Appellee</p>	<p>Virginia Wood Barnhart, Attorney Direct: 410-545-5803 Email: virginia.barnhart@wbd-us.com Fax: 443-769-1503 [COR LD NTC Retained] Womble Bond Dickinson (US) LLP 100 Light Street 26th Floor Baltimore, MD 21202</p> <p>Sarah Meyer, Attorney</p>

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Defendant - Appellee

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Gibraltar Holdings Group, Inc.

Defendant - Appellee

Kurt Lyn

Defendant - Appellee

Mechanics Cooperative Bank

Defendant - Appellee

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 (see above)

Lawrence Green

Defendant - Appellee

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Brighton Avenue Associates LLC

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		[COR NTC Retained] (see above)
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		Randall A. Brater, Esquire Direct: 202-715-8472 [COR NTC Retained] (see above)
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Thomas Gallitano	Defendant - Appellee	Laura M.K. Hassler Direct: 208-857-1696 [COR LD NTC Retained] (see above)
GMAC, also known as Ally Financial, Inc.	Defendant - Appellee	Daniel Zev Herbst, Attorney Direct: 202-414-9232 Email: dherbst@reedsmith.com Fax: 202-414-9299 [COR LD NTC Retained] Reed Smith LLP Firm: 202-414-9200 1301 K Street, NW Suite 1000, East Tower Washington, DC 20005-3317
Kenneth Leonetti	Defendant - Appellee	Nicholas M. Renzler, Attorney Direct: 202-261-7394 Email: nrenzler@foleyhoag.com [COR LD NTC Retained] Foley Hoag LLP 1301 Avenue of the Americas New York, NY 10019
Estate of Harold Brown	Defendant - Appellee	
Herbert Weinberg	Defendant - Appellee	Herbert Weinberg Email: hweinberg@jrhwlaw.com [NTC Pro Se] Law Offices of Herbert Weinberg Firm: 978-683-2479 805 Turnpike Street #201 North Andover, MA 01845
Barbara Lombard, doing business as Revere Storage, Inc.	Defendant - Appellee	
James Grumbach	Defendant - Appellee	Steven J. Parrott Direct: 301-352-4950 [COR LD NTC Retained] (see above)
Theresa Kelly Banash	Defendant - Appellee	Theresa Kelly Banash Email: theresa.banash@outlook.com

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Jonathan D. White
Defendant - Appellee

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Bell Atlantic Yellow Pages Company, Inc.
Defendant - Appellee

Robert A. Cornetta, in his individual capacity
Defendant - Appellee

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Massachusetts Superior Court
Defendant - Appellee

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Massachusetts Land Court
Defendant - Appellee

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Cassandra Bolanos
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William Young, in his individual capacity

Blake Weiner, Assistant U.S. Attorney

	Defendant - Appellee	[COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
Allison D. Burroughs	Defendant - Appellee	Blake Weiner, Assistant U.S. Attorney [COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
Leo T. Sorokin, in his individual capacity	Defendant - Appellee	Blake Weiner, Assistant U.S. Attorney [COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
Christopher A. Wray, in his individual capacity	Defendant - Appellee	Blake Weiner, Assistant U.S. Attorney [COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
James A. Crowell, IV, in his individual capacity	Defendant - Appellee	
United States Department of Justice	Defendant - Appellee	Blake Weiner, Assistant U.S. Attorney [COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
Federal Bureau of Investigation	Defendant - Appellee	Blake Weiner, Assistant U.S. Attorney [COR LD NTC Gvt US Attorney] (see above)
		R. Craig Lawrence [COR NTC Gvt US Attorney] (see above)
Bank of America N.A.	Defendant - Appellee	Philip D. Bartz, Esquire, Attorney Direct: 202-508-6022 Email: pdbartz@bryancave.com [COR LD NTC Retained] Bryan Cave Leighton Paisner LLP Firm: 202-508-6000 1155 F Street, NW Suite 700 Washington, DC 20004
		Jessica R. Blaemire, Attorney Direct: 202-508-6357 [COR LD NTC Retained] (see above)
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		R. Craig Lawrence

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(see above)

Susan Frimpong

Defendant - Appellee

Blake Weiner, Assistant U.S. Attorney
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R. Craig Lawrence
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Defendant - Appellee

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Michael Pierre Giunta

Defendant - Appellee

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












Bahig F. Bishay, in his individual capacity and Private Attorney General & another,





















Plaintiff - Appellant

v.



































Scott S. Harris, in his individual capacity, & others in their individual capacities; Jeffrey R. Howard, in his individual capacity; Juan R. Torruella, in his individual capacity; William J. Kayatta, in his individual capacity; Sandra L. Lynch, in her individual capacity; O. Rogeriee Thompson, in her individual capacity; David J. Barron, in his individual capacity; Maura Healy, in her individual capacity; Elizabeth A. Kaplan, in her individual capacity; Ralph D. Gants, in his individual capacity; Barbara A. Lenk, in her individual capacity; Frank M. Gaziano, in his individual capacity; David A. Lowy, in his individual capacity; Kimberly S. Budd, in her individual capacity; Elspeth B. Cypher, in her individual capacity; Scott Kafker, in his individual capacity; Merrill Lynch Credit Corp, now known as Bank of America N.A.; Real Estate Growth Fund, LLC; Jon Freeman; Peter D. Kyburg; Kurt Deuschle; Alvin Nathanson; Citicorp Leasing, Inc.; Lee Harrington; Gibraltar Holdings Group, Inc.; Kurt Lyn; Mechanics Cooperative Bank; Lawrence Green; Michael Twohig; Brighton Avenue Associates LLC; James Singer; David Reier; Conn Kavanaugh Rosenthal Peisch and Ford LLP; Thomas Gallitano; GMAC, also known as Ally Financial, Inc.; Kenneth Leonetti; Estate of Harold Brown; Herbert Weinberg; Barbara Lombard, doing business as Revere Storage, Inc.; James Grumbach; Theresa Kelly Banash; Jonathan D. White; Bell Atlantic Yellow Pages Company, Inc.; Robert A. Cornetta, in his individual capacity; Massachusetts Superior Court; Massachusetts Land Court; Allexander H. Sands, in his individual capacity; William Young, in his individual capacity; Allison D. Burroughs; Leo T. Sorokin, in his individual capacity; Christopher A. Wray, in his individual capacity; James A. Crowell, IV, in his individual capacity; United States Department of Justice; Federal Bureau of Investigation; Bank of America N.A.; Mara Silver; Susan Frimpong; Verizon Communications Inc.; Michael Pierre Giunta,

















Defendants - Appellees






- 03/15/2022 US CIVIL CASE docketed. [22-5060] [Entered: 03/15/2022 04:07 PM]
- 03/15/2022  NOTICE OF APPEAL [1939203] seeking review of a decision by the U.S. District Court in 1:21-cv-01831-TNM filed by Bahig F. Bishay. Appeal assigned USCA Case Number: 22-5060. [22-5060] [Entered: 03/15/2022 04:11 PM]
37 pg, 831.99 KB
- 03/15/2022  CLERK'S ORDER [1939206] filed directing party to file initial submissions: APPELLANT docketing statement due 04/14/2022. APPELLANT certificate as to parties due 04/14/2022. APPELLANT statement of issues due 04/14/2022. APPELLANT underlying decision due 04/14/2022. APPELLANT deferred appendix statement due 04/14/2022. APPELLANT entry of appearance due 04/14/2022. APPELLANT transcript status report due 04/14/2022. APPELLANT procedural motions due 04/14/2022. APPELLANT dispositive motions due 04/29/2022; directing party to file initial submissions: APPELLEE certificate as to parties due 04/14/2022. APPELLEE entry of appearance due 04/14/2022. APPELLEE procedural motions due 04/14/2022. APPELLEE dispositive motions due 04/29/2022. Failure to respond shall result in dismissal of the case for lack of prosecution. The Clerk is directed to mail this order to appellant by certified mail, return receipt requested and by 1st class mail. [22-5060]--[Edited 03/16/2022 by SHA-Document Replaced by Clerk's Office] [Entered: 03/15/2022 04:17 PM]
2 pg, 46.5 KB
- 03/15/2022  LETTER [1939208] sent regarding attorney membership to Jessica R. Blaemire for Bank of America N.A., John Peter Marston for Kenneth Leonetti, Cassandra Bolanos for Maura Healy, Elizabeth A. Kaplan, Ralph D. Giants, Barbara A. Lenk, Frank M. Gaziano, David A. Lowy, Kimberly S. Budd, Elspeth B. Cypher, Scott Kafker, Robert A. Cornetta, Massachusetts Superior Court and Allexander H. Sands and Leslie W. Kostyshak for Verizon Communications Inc.. Application for Admission due 04/14/2022. [22-5060] [Entered: 03/15/2022 04:29 PM]
1 pg, 45.07 KB
- 03/16/2022 CERTIFIED AND FIRST CLASS MAIL SENT [1939303] with return receipt requested [Receipt No.7021 0350 0001 8679 6081] of order [1939206-4]. Certified Mail Receipt due 04/14/2022 from Bahig F. Bishay. [22-5060] [Entered: 03/16/2022 01:23 PM]
- 03/17/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES, ENTRY OF APPEARANCE, CIVIL DOCKETING STATEMENT, TRANSCRIPT STATUS REPORT. [1939436] filed by Bahig F. Bishay [Service Date: 03/17/2022] [22-5060] (Bishay, Bahig) [Entered: 03/17/2022 11:47 AM]
5 pg, 158.26 KB
- 03/17/2022  AMENDED CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1939502] filed by Bahig F. Bishay [Service Date: 03/17/2022] [22-5060] (Bishay, Bahig) [Entered: 03/17/2022 03:43 PM]
4 pg, 157.86 KB
- 03/17/2022  DOCKETING STATEMENT [1939505] filed by Bahig F. Bishay [Service Date: 03/17/2022] [22-5060] (Bishay, Bahig) [Entered: 03/17/2022 03:53 PM]
1 pg, 58.36 KB
- 03/17/2022  TRANSCRIPT STATUS REPORT [1939508] filed by Bahig F. Bishay [Service Date: 03/17/2022]. Status of Transcripts: Final - No transcripts are needed for the appeal. [22-5060] (Bishay, Bahig) [Entered: 03/17/2022 03:59 PM]
1 pg, 34.67 KB
- 03/17/2022  MOTION [1939514] to stay, vacate, and remand case filed by Bahig F. Bishay (Service Date: 03/17/2022 by CM/ECF NDA) Length Certification:2,625 words.--[Edited 07/27/2022 by LMM] (Bishay, Bahig) [Entered: 03/17/2022 04:12 PM]
41 pg, 763.04 KB
- 03/22/2022  MOTION [1940123] to extend time to file motion to 05/31/2022 filed by Scott S. Harris, Mara Silver, Susan Frimpong, O. Rogeriee Thompson, Jeffrey R. Howard, William J. Kayatta, Sandra L. Lynch, Allison D. Burroughs, David J. Barron, William Young, Leo T. Sorokin, Christopher A. Wray, DOJ and FBI (Service Date: 03/22/2022 by CM/ECF NDA, Email) Length Certification: 417 Words. [22-5060] (Weiner, Blake) [Entered: 03/22/2022 04:04 PM]
5 pg, 149.4 KB
- 03/22/2022  RESPONSE IN OPPOSITION [1940153] to motion to extend time [1940123-2] filed by Bahig F. Bishay [Service Date: 03/22/2022 by CM/ECF NDA] Length Certification: This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. 32(f), this document contains 897 words. (2) This document complies with the typeface requirements of Fed. R. A. [22-5060] (Bishay, Bahig) [Entered: 03/22/2022 06:32 PM]
5 pg, 176.24 KB
- 03/24/2022  CLERK'S ORDER [1940412] filed granting motion to extend time [1940123-2]; directing response to motion to remand case [1939514-2] Response due on 05/31/2022; extending Clerk order initial submissions for appellee/respondent [1939206-3] APPELLEE dispositive motions due 05/31/2022 [22-5060] [Entered: 03/24/2022 02:20 PM]
1 pg, 39.42 KB
- 03/25/2022  MOTION [1940703] for reconsideration of order [1940412-2] filed by Bahig F. Bishay (Service Date: 03/25/2022 by CM/ECF NDA) Length Certification: 1215 words. [22-5060]--[Edited 07/27/2022 by LMM] (Bishay, Bahig) [Entered: 03/25/2022 07:58 PM]
36 pg, 448.18 KB
- 03/28/2022  CERTIFIED MAIL RECEIPT [1941746] received from Bahig Bishay [signed for on 03/28/2022] for order [1939303-2] sent to Appellant Bahig F. Bishay [22-5060] [Entered: 04/04/2022 12:00 PM]
1 pg, 1.03 MB
- 03/29/2022  ENTRY OF APPEARANCE [1941020] filed by Trevor S. Cox on behalf of Appellee Verizon Communications Inc.. [22-5060] (Cox, Trevor) [Entered: 03/29/2022 12:05 PM]
1 pg, 598.72 KB

- 03/31/2022 FIRST CLASS MAIL RETURNED [1941616] marked "RETURN TO 5ENDER, ATTEMPTED - NOT KNOWN - UNABLE TO FORWARD". Mail had been sent to Party Alvin Nathanson. [22-5060] [Entered: 04/01/2022 03:08 PM]
- 04/01/2022  LETTER [1941747] from attorney John Marston indicating that the appeal does not involve his client, Kenneth Leonetti, therefore he will not seek admission. [Service Date: 04/04/2022] [22-5060] [Entered: 04/04/2022 12:04 PM]
2 pg, 1.58 MB
- 04/08/2022  ENTRY OF APPEARANCE [1942432] filed by Virginia W. Barnhart and co-counsel Sarah E. Meyer on behalf of Appellee Citycorp Leasing, Inc.. [22-5060] (Meyer, Sarah) [Entered: 04/08/2022 03:27 PM]
2 pg, 120.4 KB
- 04/13/2022  ENTRY OF APPEARANCE [1943005] filed by Laura M.K. Hassler on behalf of Appellees Conn Kavanaugh Rosenthal Peisch and Ford LLP and Thomas Gallitano. [22-5060] (Hassler, Laura) [Entered: 04/13/2022 04:44 PM]
2 pg, 70.83 KB
- 04/13/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943007] filed by Conn Kavanaugh Rosenthal Peisch and Ford LLP and Thomas Gallitano [Service Date: 04/13/2022] [22-5060] (Hassler, Laura) [Entered: 04/13/2022 04:48 PM]
4 pg, 156.96 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943097] filed by Jeffrey R. Howard, Scott S. Harris, William J. Kayatta, Sandra L. Lynch, O. Rogeriee Thompson, Allison D. Burroughs, David J. Barron, William Young, Leo T. Sorokin, Christopher A. Wray, FBI, DOJ, Susan Frimpong and Mara Silver [Service Date: 04/14/2022] [22-5060] (Weiner, Blake) [Entered: 04/14/2022 11:24 AM]
7 pg, 260.51 KB
- 04/14/2022  ENTRY OF APPEARANCE [1943105] filed by Daniel Z. Herbst on behalf of Appellee GMAC. [22-5060] (Herbst, Daniel) [Entered: 04/14/2022 11:40 AM]
2 pg, 89.46 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943106] filed by GMAC [Service Date: 04/14/2022] [22-5060] (Herbst, Daniel) [Entered: 04/14/2022 11:42 AM]
4 pg, 113.48 KB
- 04/14/2022  ENTRY OF APPEARANCE [1943115] filed by Blake A. Weiner and co-counsel R. Craig Lawrence on behalf of Appellees Scott S. Harris, Jeffrey R. Howard, William J. Kayatta, Sandra L. Lynch, O. Rogeriee Thompson, David J. Barron, Allison D. Burroughs, William Young, Christopher A. Wray, Leo T. Sorokin, DOJ, FBI, Mara Silver and Susan Frimpong. [22-5060] (Weiner, Blake) [Entered: 04/14/2022 12:11 PM]
2 pg, 114.93 KB
- 04/14/2022  ENTRY OF APPEARANCE [1943116] filed by Craig D. Roswell on behalf of Appellee Mr. Lawrence Green. [22-5060] (Roswell, Craig) [Entered: 04/14/2022 12:14 PM]
2 pg, 129.57 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943119] filed by Mr. Lawrence Green [Service Date: 04/14/2022] [22-5060] (Roswell, Craig) [Entered: 04/14/2022 12:18 PM]
4 pg, 141.57 KB
- 04/14/2022  ENTRY OF APPEARANCE [1943159] filed by Dustin F. Hecker and co-counsel Randall A. Brater on behalf of Appellees Brighton Avenue Associates LLC, David Reier and James Singer. [22-5060] (Hecker, Dustin) [Entered: 04/14/2022 03:18 PM]
1 pg, 212.78 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943160] filed by Brighton Avenue Associates LLC, David Reier and James Singer [Service Date: 04/14/2022] [22-5060] (Hecker, Dustin) [Entered: 04/14/2022 03:19 PM]
5 pg, 151.66 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943178] filed by Verizon Communications Inc. [Service Date: 04/14/2022] [22-5060] (Cox, Trevor) [Entered: 04/14/2022 04:25 PM]
4 pg, 107.25 KB
- 04/14/2022  CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1943181] filed by Citycorp Leasing, Inc. [Service Date: 04/14/2022] [22-5060] (Barnhart, Virginia) [Entered: 04/14/2022 04:33 PM]
3 pg, 426.31 KB
- 04/15/2022  MOTION [1943240] for summary reversal filed by Bahig F. Bishay (Service Date: 04/15/2022 by CM/ECF NDA) Length Certification: 301 countable words. [22-5060]--[Edited 04/15/2022 by AY] (Bishay, Bahig) [Entered: 04/15/2022 10:42 AM]
3 pg, 125.93 KB
- 04/15/2022  SUPPLEMENT [1943249] to motion for summary reversal [1943240-3] filed by Bahig F. Bishay [Service Date: 04/15/2022] [22-5060]--[Edited 04/15/2022 by AY] (Bishay, Bahig) [Entered: 04/15/2022 11:07 AM]
29 pg, 341.05 KB
- 04/15/2022  APPENDIX [1943250] filed by Bahig F. Bishay [Volumes: 1] [Service Date: 04/15/2022] [22-5060] (Bishay, Bahig) [Entered: 04/15/2022 11:10 AM]
518 pg, 24.1 MB
- 04/20/2022  MOTION [1943770] to extend time to file motion to 05/31/2022 filed by Verizon Communications Inc. (Service Date: 04/20/2022 by CM/ECF NDA, US Mail) Length Certification: 499. [22-5060] (Cox, Trevor) [Entered: 04/20/2022 04:02 PM]
5 pg, 128.44 KB
- 04/20/2022  MOTION [1943788] to extend time to file response and to file motion to 05/06/2022 filed by Citicorp Leasing, Inc. (Service Date: 04/20/2022 by CM/ECF NDA, US Mail) Length Certification: 579 words. [22-5060] (Meyer, Sarah) [Entered: 04/20/2022 10:18 PM]
4 pg, 286.73 KB
- 04/21/2022  MOTION [1943791] to extend time to file motion to 05/31/2022 filed by Scott S. Harris, Mara Silver, Susan Frimpong, O. Rogeriee Thompson, Jeffrey R. Howard, William J. Kayatta, Sandra L. Lynch, David J. Barron, William Young, Allison D. Burroughs, Christopher A. Wray, Leo T. Sorokin, DOJ and FBI (Service

Date: 04/21/2022 by Email) Length Certification: 545 Words. [22-5060] (Weiner, Blake) [Entered: 04/21/2022 08:47 AM]

- 04/22/2022   MOTION [1944009] to extend time to file response to 05/31/2022 filed by GMAC (Service Date: 04/22/2022 by CM/ECF NDA, US Mail) Length Certification: 566 Words. [22-5060] (Herbst, Daniel) [Entered: 04/22/2022 11:08 AM]
5 pg, 122.81 KB
- 04/22/2022   MOTION [1944096] to extend time to file motion to 05/31/2022 filed by Brighton Avenue Associates LLC, James Singer and David Reier (Service Date: 04/22/2022 by CM/ECF NDA, US Mail) Length Certification: 1,166 words.. [22-5060] (Hecker, Dustin) [Entered: 04/22/2022 04:27 PM]
7 pg, 17.57 KB
- 04/25/2022   MOTION [1944306] for summary affirmance filed by GMAC (Service Date: 04/25/2022 by CM/ECF NDA, US Mail) Length Certification: 2,202. [22-5060] (Herbst, Daniel) [Entered: 04/25/2022 11:12 PM]
34 pg, 1.05 MB
- 04/27/2022   ENTRY OF APPEARANCE [1944520] filed by Jessica R. Blaemire on behalf of Appellee Bank of America N.A.. [22-5060] (Blaemire, Jessica) [Entered: 04/27/2022 10:54 AM]
2 pg, 163.3 KB
- 04/27/2022   CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1944537] filed by Bank of America N.A. [Service Date: 04/27/2022] [22-5060] (Blaemire, Jessica) [Entered: 04/27/2022 11:47 AM]
4 pg, 205.48 KB
- 04/27/2022   RESPONSE IN OPPOSITION [1944561] to motion for summary affirmance [1944306-2] combined with a MOTION to exceed word limits lodged by Bahig F. Bishay [Service Date: 04/27/2022 by CM/ECF NDA] Length Certification: 6,638 words. [22-5060]--[MODIFIED EVENT--Edited 04/27/2022 by LMC] (Bishay, Bahig) [Entered: 04/27/2022 12:18 PM]
41 pg, 591.15 KB
- 04/27/2022   MOTION [1944620] to extend time to file response to 05/31/2022 filed by Bank of America N.A. (Service Date: 04/27/2022 by CM/ECF NDA, US Mail) Length Certification: 606 Words. [22-5060] (Blaemire, Jessica) [Entered: 04/27/2022 03:06 PM]
4 pg, 207.86 KB
- 04/27/2022   CLERK'S ORDER [1944628] filed considering motion to extend time [1943770-2], considering motion to extend time [1943788-2], considering motion to extend time [1943791-2], considering motion to extend time [1944009-2], considering motion to extend time [1944096-2], considering motion to extend time [1944620-2]; directing response to motion for summary reversal [1943240-3] Response due on 05/31/2022 [22-5060] [Entered: 04/27/2022 03:37 PM]
1 pg, 38.67 KB
- 04/27/2022   ENTRY OF APPEARANCE [1944637] filed by Robert E. Toone on behalf of Appellees Maura Healy, Elizabeth A. Kaplan, Barbara A. Lenk, Frank M. Gaziano, David A. Lowy, Kimberly S. Budd, Elspeth B. Cypher, Scott Kafker, Robert A. Cornetta, Massachusetts Superior Court, Massachusetts Land Court, Alexander H. Sands and Ralph D. Gants. [22-5060] (Toone, Robert) [Entered: 04/27/2022 03:53 PM]
6 pg, 188.04 KB
- 04/27/2022   CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES [1944678] filed by Maura Healy, Elizabeth A. Kaplan, Barbara A. Lenk, Frank M. Gaziano, David A. Lowy, Kimberly S. Budd, Elspeth B. Cypher, Scott Kafker, Robert A. Cornetta, Massachusetts Superior Court, Massachusetts Land Court, Alexander H. Sands and Ralph D. Gants [Service Date: 04/27/2022] [22-5060] (Toone, Robert) [Entered: 04/27/2022 06:12 PM]
4 pg, 119.34 KB
- 05/10/2022   NOTICE [1946078] NOTICE OF EGREGIOUS MISREPRESENTATIONS filed by Bahig F. Bishay [Service Date: 05/10/2022] [22-5060] (Bishay, Bahig) [Entered: 05/10/2022 08:56 AM]
12 pg, 393.36 KB
- 05/16/2022   ENTRY OF APPEARANCE [1946794] filed by Nicholas M. Renzler on behalf of Appellee Kenneth Leonetti. [22-5060] (Renzler, Nicholas) [Entered: 05/16/2022 03:13 PM]
1 pg, 1.11 MB
- 05/31/2022   MOTION [1948555] for summary affirmance filed by Maura Healy, Elizabeth A. Kaplan, Kimberly S. Budd, Frank M. Gaziano, David A. Lowy, Elspeth B. Cypher, Scott Kafker, Barbara A. Lenk, Robert A. Cornetta, Alexander H. Sands, Massachusetts Superior Court and Massachusetts Land Court (Service Date: 05/31/2022 by CM/ECF NDA, US Mail) Length Certification: 3,619 Words. [22-5060] (Toone, Robert) [Entered: 05/31/2022 01:34 PM]
26 pg, 777.94 KB
- 05/31/2022   RESPONSE IN OPPOSITION [1948556] to motion [1943240-2], motion [1943240-3] filed by Bank of America N.A. [Service Date: 05/31/2022 by CM/ECF NDA, Email, US Mail] Length Certification: This document contains 1170 words.. [22-5060] (Blaemire, Jessica) [Entered: 05/31/2022 01:37 PM]
7 pg, 189.07 KB
- 05/31/2022   AMENDED RESPONSE IN OPPOSITION [1948560] to motion for summary reversal [1943240-3] filed by Bank of America N.A. [Service Date: 05/31/2022 by CM/ECF NDA] Length Certification: 1170 words. [22-5060]--[MODIFIED EVENT--Edited 05/31/2022 by LMC] (Blaemire, Jessica) [Entered: 05/31/2022 01:56 PM]
16 pg, 655.93 KB
- 05/31/2022   RESPONSE IN OPPOSITION [1948562] to motion [1943240-2], motion [1943240-3], motion [1939514-2] combined with a MOTION for summary affirmance filed by Brighton Avenue Associates LLC, David Reier and James Singer [Service Date: 05/31/2022 by CM/ECF NDA] Length Certification: 2023 Words. [22-5060] (Hecker, Dustin) [Entered: 05/31/2022 01:59 PM]
17 pg, 412.68 KB
- 05/31/2022   RESPONSE IN OPPOSITION [1948569] to motion [1939514-2], motion [1943240-2], motion [1943240-3] filed by GMAC [Service Date: 05/31/2022 by CM/ECF NDA, US Mail] Length Certification: 1,345 Words. [22-5060] (Herbst, Daniel) [Entered: 05/31/2022 02:28 PM]
9 pg, 151.57 KB

- 05/31/2022  RESPONSE IN OPPOSITION [1948636] to motion [1939514-2] combined with a MOTION for summary affirmance filed by David J. Barron, Allison D. Burroughs, DOJ, FBI, William Young, Christopher A. Wray, Sandra L. Lynch, Leo T. Sorokin, William J. Kayatta, Jeffrey R. Howard, Scott S. Harris, Mara Silver, Susan Frimpong and O. Rogeriee Thompson [Service Date: 05/31/2022 by Email, US Mail] Length Certification: 3214 words. [22-5060] (Lawrence, R.) [Entered: 05/31/2022 04:41 PM]
22 pg, 248.94 KB
- 05/31/2022  RESPONSE IN OPPOSITION [1948642] to motion for summary reversal [1943240-3] combined with a MOTION for summary affirmance filed by Conn Kavanaugh Rosenthal Peisch and Ford LLP and Thomas Gallitano [Service Date: 05/31/2022 by CM/ECF NDA, US Mail] Length Certification: 1,173 words. [22-5060]--[Edited 07/27/2022 by LMM] (Hassler, Laura) [Entered: 05/31/2022 05:12 PM]
12 pg, 409.52 KB
- 05/31/2022  RESPONSE IN OPPOSITION [1948644] to motion [1943240-2], motion [1943240-3], motion [1939514-2] combined with a MOTION for summary affirmance filed by Verizon Communications Inc. [Service Date: 05/31/2022 by CM/ECF NDA, US Mail] Length Certification: 3.218 words excluding parts exempted by FRAP 32(f). [22-5060] (Cox, Trevor) [Entered: 05/31/2022 05:28 PM]
24 pg, 522.59 KB
- 05/31/2022  NOTICE [1948645] to join motion [1948562-2] filed by Appellees filed by Mr. Lawrence Green (Service Date: 05/31/2022 by CM/ECF NDA) Length Certification: 87 Words. [22-5060]--[Edited 07/27/2022 by LMM] (Roswell, Craig) [Entered: 05/31/2022 05:30 PM]
2 pg, 133.27 KB
- 05/31/2022  RESPONSE IN OPPOSITION [1948650] to motion [1943240-2], motion [1943240-3] combined with a MOTION for summary affirmance filed by Citicorp Leasing, Inc. [Service Date: 05/31/2022 by CM/ECF NDA, US Mail] Length Certification: 4,570 words. [22-5060] (Meyer, Sarah) [Entered: 05/31/2022 05:55 PM]
26 pg, 463.2 KB
- 05/31/2022  RESPONSE IN OPPOSITION [1948654] to motion [1939514-2] filed by Citicorp Leasing, Inc. [Service Date: 05/31/2022 by CM/ECF NDA, US Mail] Length Certification: 752 words. [22-5060] (Meyer, Sarah) [Entered: 05/31/2022 06:04 PM]
4 pg, 136.52 KB
- 06/01/2022  SUPPLEMENT [1948733] to motion for summary affirmance [1948644-2], response [1948644-3] filed by Verizon Communications Inc. [Service Date: 06/01/2022] [22-5060] (Cox, Trevor) [Entered: 06/01/2022 11:07 AM]
3 pg, 187.14 KB
- 06/04/2022  RESPONSE IN OPPOSITION [1949305] to motion for summary affirmance [1948650-2], motion to join in motion [1948645-2], motion for summary affirmance [1948644-2], motion for summary affirmance [1948642-2], motion for summary affirmance [1948636-2], motion for summary affirmance [1948562-2], motion for summary affirmance [1948555-2] filed by Bahig F. Bishay [Service Date: 06/04/2022 by CM/ECF NDA] Length Certification: This document contains 2,172 in countable words. Additional text imported from the record presented below and here, concerning this omnibus response naming sixty (60) Defendants and Third-party Defendants, is also provided in this document.. [22-5060] (Bishay, Bahig) [Entered: 06/04/2022 07:46 PM]
55 pg, 712.49 KB
- 06/06/2022  CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS [1949410] for response [1948560-3] filed by Bank of America N.A.. [22-5060] (Blaemire, Jessica) [Entered: 06/06/2022 03:12 PM]
1 pg, 160.28 KB
- 06/13/2022  REPLY [1950383] filed by Verizon Communications Inc. to response [1949305-2], [1948644-3] [Service Date: 06/13/2022 by CM/ECF NDA, US Mail] Length Certification: 273 Words. [22-5060] (Cox, Trevor) [Entered: 06/13/2022 02:12 PM]
4 pg, 107.64 KB
- 06/13/2022  REPLY [1950389] filed by Citicorp Leasing, Inc. to response [1949305-2] [Service Date: 06/13/2022 by CM/ECF NDA, US Mail] Length Certification: 1959 words. [22-5060] (Meyer, Sarah) [Entered: 06/13/2022 02:30 PM]
10 pg, 180.4 KB
- 06/13/2022  REPLY [1950429] filed by David J. Barron, Allison D. Burroughs, DOJ, FBI, Susan Frimpong, Scott S. Harris, Jeffrey R. Howard, William J. Kayatta, Sandra L. Lynch, Leo T. Sorokin, O. Rogeriee Thompson, Christopher A. Wray and William Young to response [1949305-2] [Service Date: 06/13/2022 by CM/ECF NDA] Length Certification: 461 words. [22-5060] (Lawrence, R.) [Entered: 06/13/2022 05:01 PM]
4 pg, 103.81 KB
- 06/13/2022  REPLY [1950436] filed by Brighton Avenue Associates LLC, David Reier and James Singer to response [1949305-2] [Service Date: 06/13/2022 by CM/ECF NDA] Length Certification: 382 Words. [22-5060] (Hecker, Dustin) [Entered: 06/13/2022 05:37 PM]
3 pg, 143.39 KB
- 06/16/2022  ENTRY OF APPEARANCE [1950940] filed by Philip Bartz on behalf of Appellee Bank of America N.A.. [22-5060] (Bartz, Philip) [Entered: 06/16/2022 04:46 PM]
3 pg, 165.76 KB
- 08/11/2022  PER CURIAM ORDER [1958924] filed granting motion to exceed word limits [1944561-3]; The Clerk is directed to file response [1944561-2]; denying motion for reconsideration [1940703-3]; granting motions for summary affirmance [1948650-2] [1948644-2] [1948642-2] [1948636-2] [1948562-2] [1948555-2] [1944306-2]; denying motion for summary reversal [1943240-3]; denying motion to remand case [1939514-2]; affirming, on the court's own motion, as to the remaining appellees, the district court's orders filed March 1, 2022, and March 9, 2022. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. Before Judges: Wilkins, Katsas and Rao. [22-5060] [Entered: 08/11/2022 12:23 PM]
2 pg, 45.92 KB
- 08/22/2022  PETITION [1960250] for panel rehearing and rehearing en banc, combined with a motion to stay the

	26 pg, 368.69 KB	mandate filed by Appellant Bahig F. Bishay [Service Date: 08/22/2022 by CM/ECF NDA] Length Certification: I, Bahig Bishay, certify that this document contains 5512 in countable words.. [22-5060]--[Edited 08/23/2022 by LMM] (Bishay, Bahig) [Entered: 08/22/2022 01:39 PM]
08/22/2022	<input type="checkbox"/>  17 pg, 317.18 KB	SUPPLEMENT [1960252] to petition for rehearing and rehearing en banc [1960250-2] filed by Bahig F. Bishay [Service Date: 08/22/2022] [22-5060]--[Edited 08/23/2022 by LMM - Modified Event] (Bishay, Bahig) [Entered: 08/22/2022 01:43 PM]
08/22/2022	<input type="checkbox"/>  7 pg, 220.46 KB	SUPPLEMENT [1960253] to petition for rehearing and rehearing en banc [1960250-2] filed by Bahig F. Bishay [Service Date: 08/22/2022] [22-5060]--[Edited 08/23/2022 by LMM - Modified Event] (Bishay, Bahig) [Entered: 08/22/2022 01:49 PM]
09/07/2022	<input type="checkbox"/>  2 pg, 14.78 KB	ENTRY OF APPEARANCE [1962416] filed by Steven J. Parrott on behalf of Appellee James Grumbach. [22-5060] (Parrott, Steven) [Entered: 09/07/2022 09:56 AM]
09/22/2022	<input type="checkbox"/>  1 pg, 39.52 KB	PER CURIAM ORDER [1965481] filed denying appellant's petition for rehearing [1960250-3]. It is FURTHER ORDERED that the motion to stay the mandate be denied [1960250-4]. Before Judges: Wilkins, Katsas and Rao. [22-5060] [Entered: 09/22/2022 10:23 AM]
09/22/2022	<input type="checkbox"/>  1 pg, 39.24 KB	PER CURIAM ORDER, En Banc, [1965483] filed denying appellant's petition for rehearing en banc [1960250-2]. Before Judges: Srinivasan, Henderson*, Millett, Pillard, Wilkins, Katsas, Rao, Walker and Childs. [22-5060] [Entered: 09/22/2022 10:25 AM]

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TAB-H

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:21-cv-01831-TNM

BISHAY v. HARRIS et al
Assigned to: Judge Trevor N. McFadden
Demand: \$450,000,000
Cause: 42:1981 Civil Rights

Date Filed: 07/07/2021
Date Terminated: 03/02/2022
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Defendant

Plaintiff

BAHIG BISHAY
*in his individual capacity and Private
Attorney General & another*

represented by **BAHIG BISHAY**
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PRO SE

V.

Defendant

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*in his individual capacity, & others in their
individual capacities*

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JEFFERY R. HOWARD
in his individual capacity

represented by **Blake A. Weiner**
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ATTORNEY TO BE NOTICED

Defendant

JUAN R. TORRUELA
in his individual capacity

Defendant

WILLIAM J. KAYATTA, JR.
in his individual capacity

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ATTORNEY TO BE NOTICED

Defendant

SANDRA L. LYNCH
in her individual capacity

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ATTORNEY TO BE NOTICED

Defendant

O. ROGERIEE THOMPSON
in her individual capacity

represented by **Blake A. Weiner**
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ATTORNEY TO BE NOTICED

Defendant

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in his individual capacity

represented by **Blake A. Weiner**
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ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

RALPH D. GANTS
in his individual capacity

represented by **Cassandra Bolanos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

BARBARA A. LENK
in her individual capacity

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

FRANK M. GAZIANO
in his individual capacity

represented by **Cassandra Bolanos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DAVID A. LOWY
in his individual capacity

represented by **Cassandra Bolanos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

KIMBERLY S. BUDD
in her individual capacity

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
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ATTORNEY TO BE NOTICED

Defendant

ELSPETH B. CYPHER
in her individual capacity

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
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ATTORNEY TO BE NOTICED

Defendant

SCOTT KAFKER
in his individual capacity

represented by **Cassandra Bolanos**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MERRILL LYNCH CREDIT CORP
Now Known As
BANK OF AMERICA, N.A.

Defendant

REAL ESTATE GROWTH FUND, LLC

represented by **Steven Joseph Parrott**
DECARO, DORAN, SICILIANO,
GALLAGHER & DEBLASIS, LLP
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Bowie, MD 20715
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Fax: 301-352-8691
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

JON FREEMAN

Defendant

PETER D. KYBURG

Defendant

KURT DEUSCHLE

represented by **KURT DEUSCHLE**
563 Yoho Head Road
Machiasport, ME 04655
PRO SE

Defendant

ALVIN NATHANSON

represented by **ALVIN NATHANSON**
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MA
183 Atlantic Avenue
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Boston, MA 02109
617-210-4810
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PRO SE

Defendant

CITICORP LEASING, INC.

represented by **Sarah Elizabeth Meyer**
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Defendant

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PRO SE

Defendant

**GIBRALTAR HOLDINGS GROUP,
INC.**

Defendant

KURT LYN

Defendant

MECHANICS COOPERATIVE BANK

represented by **Steven Joseph Parrott**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LAWRENCE GREEN

represented by **Bryant Steven Green**
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Email: bgreen@zellelaw.com
TERMINATED: 02/10/2022
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MICHAEL TWOHIG

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**BRIGHTON AVENUE ASSOCIATES
LLC**

represented by **Randall Adam Brater**
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LEAD ATTORNEY
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Defendant

JAMES SINGER

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID REIER

represented by **Randall Adam Brater**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**CONN KAVANAUGH ROSENTHAL
PEISCH & FORD LLP**

represented by **Laura M.K. Hassler**
ECCLESTON & WOLF, P.C.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

THOMAS GALLITANO

represented by **Laura M.K. Hassler**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

GMAC
also known as
ALLY FINANCIAL INC.

represented by **Daniel Z. Herbst**
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Washington, DC 20005
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Defendant

KENNETH LEONETTI

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ESTATE OF HAROLD BROWN

Defendant

HERBERT WEINBERG

represented by **HERBERT WEINBERG**
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MA
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PRO SE

Defendant

BARBARA LOMBARD
doing business as
REVERE STORAGE, INC.

Defendant

JAMES GRUMBACH

represented by **Steven Joseph Parrott**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

THERESA KELLY BANASH

represented by **THERESA KELLY BANASH**
THERESA KELLY BANASH, ESQ.
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PRO SE

Defendant

JONATHAN D. WHITE

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**BELL ATLANTIC YELLOW PAGES
COMPANY, INC.**

Defendant

ROBERT A. CORNETTA
in his individual capacity

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**MASSACHUSETTS SUPERIOR
COURT**

represented by **Cassandra Bolanos**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MASSACHUSETTS LAND COURT

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
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Phoebe Fischer-Groban

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ALEXANDER H. SANDS
in his individual capacity

represented by **Cassandra Bolanos**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phoebe Fischer-Groban
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

WILLIAM G. YOUNG
in his individual capacity

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ALLISON D. BURROUGHS

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LEO T. SOROKIN
in his individual capacity

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CHRISTOPHER A. WRAY
in his individual capacity

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JAMES A. CROWELL, IV
in his individual capacity

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

BANK OF AMERICA, N.A.

represented by **Adam Lee Shaw**
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Defendant

MARA SILVER

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

SUSAN FRIMPONG

represented by **Blake A. Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

VERIZON COMMUNICATIONS INC.

represented by **Leslie W. Kostyshak**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MICHAEL PIERRE GIUNTA

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PRO SE

Date Filed	#	Docket Text
07/07/2021	<u>1</u>	COMPLAINT against THERESA KELLY BANASH, DAVID J. BARRON, BELL ATLANTIC YELLOW PAGES COMPANY, INC., BRIGHTON AVENUE ASSOCIATES LLC, KIMBERLY S. BUDD, ALLISON D. BURROUGHS, CITICORP LEASING, INC., CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, ROBERT A. CORNETTA, JAMES A. CROWELL, IV, ELSPETH B. CYPHER, KURT DEUSCHLE, ESTATE OF HAROLD BROWN, FEDERAL BUREAU OF INVESTIGATION, JON FREEMAN, THOMAS GALLITANO, RALPH D. GANTS, FRANK M. GAZIANO, GIBRALTAR HOLDINGS GROUP, INC., GMAC, LAWRENCE GREEN, JAMES GRUMBACH, MICHAEL P. GUINTA, LEE HARRINGTON, SCOTT S. HARRIS, MAURA HEALY, JEFFERY R. HOWARD, SCOTT KAFKER, ELIZABETH A. KAPLAN, WILLIAM J. KAYATTA, JR, PETER D. KYBURG, BARBARA A. LENK, KENNETH LEONETTI, BARBARA LOMBARD, DAVID A. LOWY, KURT LYN, SANDRA L. LYNCH, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, MECHANICS COOPERATIVE BANK, MERRILL LYNCH CREDIT CORP, ALVIN NATHANSON, REAL ESTATE GROWTH FUND, LLC, DAVID REIER, ALLEXANDER H. SANDS, JAMES SINGER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, JUAN R. TORRUELA, MICHAEL TWOHIG, U.S. DEPARTMENT OF JUSTICE, HERBERT WEINBERG, JONATHAN D. WHITE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG (Filing fee \$ 402, receipt number 200185) with Jury Demand filed by BAHIG BISHAY. (Attachment: # <u>1</u> Civil Cover Sheet)(eg) (Entered: 07/15/2021)
07/07/2021	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BAHIG BISHAY (eg) (Entered: 07/15/2021)
07/07/2021	<u>3</u>	MOTION for CM/ECF Password by BAHIG BISHAY. (eg) (Entered: 07/15/2021)
07/07/2021	<u>4</u>	MOTION for Leave to File by BAHIG BISHAY. (eg) (Entered: 07/15/2021)
07/07/2021		SUMMONS (54) Issued as to THERESA KELLY BANASH, DAVID J. BARRON, BELL ATLANTIC YELLOW PAGES COMPANY, INC., BRIGHTON AVENUE ASSOCIATES LLC, KIMBERLY S. BUDD, ALLISON D. BURROUGHS, CITICORP LEASING, INC., CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, ROBERT A. CORNETTA, JAMES A. CROWELL, IV, ELSPETH B. CYPHER, KURT DEUSCHLE, ESTATE OF HAROLD BROWN, FEDERAL BUREAU OF INVESTIGATION, JON FREEMAN, THOMAS GALLITANO, RALPH D. GANTS, FRANK M. GAZIANO, GIBRALTAR HOLDINGS GROUP, INC., GMAC, LAWRENCE GREEN, JAMES GRUMBACH, MICHAEL P. GUINTA, LEE HARRINGTON, SCOTT S. HARRIS, MAURA HEALY, JEFFERY R. HOWARD, SCOTT KAFKER, ELIZABETH A. KAPLAN, WILLIAM J. KAYATTA, JR, PETER D. KYBURG, BARBARA A. LENK, KENNETH LEONETTI, BARBARA LOMBARD, DAVID A. LOWY, KURT LYN, SANDRA L. LYNCH, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, MECHANICS COOPERATIVE BANK, MERRILL LYNCH CREDIT CORP, ALVIN NATHANSON, REAL ESTATE GROWTH FUND, LLC, DAVID REIER, ALLEXANDER H. SANDS, JAMES SINGER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, JUAN R. TORRUELA, MICHAEL TWOHIG, U.S. DEPARTMENT OF JUSTICE, HERBERT WEINBERG, JONATHAN D. WHITE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG, U.S. Attorney and U.S. Attorney General (zeg) (Entered: 07/15/2021)
07/15/2021	<u>5</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in

		the attached standing order. Signed by Judge Trevor N. McFadden on 7/15/2021. (lctnm1) (Entered: 07/15/2021)
07/15/2021	<u>6</u>	ORDER granting Plaintiff's <u>3</u> Motion for CM/ECF Password. See Order for details. Signed by Judge Trevor N. McFadden on 7/15/2021. (lctnm1) (Entered: 07/15/2021)
07/15/2021		MINUTE ORDER granting Plaintiff's <u>4</u> Motion for Leave to File. Plaintiff may proceed using his P.O. Box as his address of record. See LCvR 5.19(c). SO ORDERED. Signed by Judge Trevor N. McFadden on 7/15/2021. (lctnm1) (Entered: 07/15/2021)
07/28/2021		Summons (3) Issued as to BANK OF AMERICA, N.A., SUSAN FRIMPONG, MARA SILVER. (eg) (Entered: 07/28/2021)
08/10/2021	<u>10</u>	MOTION to Dismiss by KURT DEUSCHLE. (Attachment: # <u>1</u> Exhibits)(eg) (Entered: 08/12/2021)
08/11/2021	<u>7</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by JAMES GRUMBACH. (Attachments: # <u>1</u> Dismiss, # <u>2</u> Memorandum)(Parrott, Steven) (Entered: 08/11/2021)
08/12/2021	<u>8</u>	MOTION to Dismiss <i>Complaint</i> by KENNETH LEONETTI. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support, # <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> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M)(Marston, John) (Entered: 08/12/2021)
08/12/2021	<u>9</u>	ORDER advising Plaintiff to respond by September 9, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded Defendants' <u>7</u> , <u>8</u> Motions to Dismiss. Signed by Judge Trevor N. McFadden on 8/12/2021. (lctnm1) (Entered: 08/12/2021)
08/12/2021		Set/Reset Deadlines: Plaintiff's response due by 9/9/2021. (hmc) (Entered: 08/12/2021)
08/13/2021	<u>11</u>	MOTION to Dismiss <i>and Memorandum of Law in Support</i> by BRIGHTON AVENUE ASSOCIATES LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Text of Proposed Order)(Brater, Randall) (Entered: 08/13/2021)
08/13/2021	<u>12</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BRIGHTON AVENUE ASSOCIATES LLC (Brater, Randall) (Entered: 08/13/2021)
08/16/2021	<u>13</u>	ORDER advising Plaintiff to respond by September 9, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded Defendants' <u>10</u> , <u>11</u> Motions to Dismiss. Signed by Judge Trevor N. McFadden on 8/16/2021. (lctnm1) (Entered: 08/16/2021)
08/16/2021		Set/Reset Deadlines: Plaintiff's response due by 9/9/2021. (hmc) (Entered: 08/16/2021)
08/17/2021	<u>14</u>	NOTICE of Appearance by Adam Lee Shaw on behalf of BANK OF AMERICA, N.A. (Shaw, Adam) (Entered: 08/17/2021)
08/17/2021	<u>15</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BANK OF AMERICA, N.A. (Shaw, Adam) (Entered: 08/17/2021)
08/17/2021	<u>16</u>	MOTION for Extension of Time to <i>Answer or Otherwise Respond to Plaintiffs' Complaint</i> by BANK OF AMERICA, N.A.. (Attachments: # <u>1</u> Text of Proposed Order) (Shaw, Adam) Modified event on 8/18/2021 (ztd). (Entered: 08/17/2021)
08/17/2021		MINUTE ORDER granting Defendant Bank of America's <u>16</u> Motion for Extension of Time to Respond. Defendant Bank of America shall respond to the <u>1</u> Complaint on or before September 16, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/17/2021. (lctnm1) (Entered: 08/17/2021)
08/18/2021		Set/Reset Deadlines: Answer to the Complaint by Defendant Bank of America due by

		9/16/2021. (ztg) (Entered: 08/18/2021)
08/19/2021	<u>17</u>	MOTION for E-Filing Privileges by THERESA KELLY BANASH. (eg) (Entered: 08/25/2021)
08/25/2021		MINUTE ORDER granting Defendant Banash's <u>17</u> Motion for E-Filing Privileges. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/25/2021. (lctnm1) (Entered: 08/25/2021)
08/26/2021	<u>18</u>	MOTION for Electronic Filing Privileges by ALVIN NATHANSON. (eg) (Entered: 08/27/2021)
08/27/2021	<u>19</u>	MOTION to Dismiss by THERESA KELLY BANASH. (BANASH, THERESA) (Entered: 08/27/2021)
08/27/2021	<u>20</u>	AFFIDAVIT by THERESA KELLY BANASH. (BANASH, THERESA) (Entered: 08/27/2021)
08/27/2021	<u>21</u>	MEMORANDUM re <u>19</u> MOTION to Dismiss filed by THERESA KELLY BANASH by THERESA KELLY BANASH. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(BANASH, THERESA) (Entered: 08/27/2021)
08/27/2021		MINUTE ORDER denying without prejudice Defendant Nathanson's <u>18</u> Motion for Electronic Filing Privileges. The Court directs Defendant Nathanson to Local Rule 5.4(b), which requires a <i>pro se</i> party to file a "Motion for CM/ECF User Name and Password" containing certain information. If Defendant Nathanson would like to obtain access to the CM/ECF system, he must do so in accordance with the Local Rules. SO ORDERED. Signed by Judge Trevor N. McFadden on 8/27/2021. (lctnm1) (Entered: 08/27/2021)
08/27/2021	<u>22</u>	ORDER advising Plaintiff to respond by September 22, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded Defendant Banash's <u>19</u> Motion to Dismiss. Signed by Judge Trevor N. McFadden on 8/27/2021. (lctnm1) (Entered: 08/27/2021)
08/27/2021		Set/Reset Deadlines: Plaintiff's response due by 9/22/2021. (zhmc) (Entered: 08/27/2021)
08/28/2021	<u>24</u>	MOTION for E-Filing Privileges by LEE HARRINGTON. (Attachment: # <u>1</u> Affidavit) (eg) (Entered: 09/01/2021)
08/31/2021	<u>23</u>	MOTION for CM/ECF Password by ALVIN NATHANSON. (eg) (Entered: 09/01/2021)
09/01/2021		MINUTE ORDER granting Defendant Nathanson's <u>23</u> Motion for E-Filing Privileges. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/1/2021. (lctnm1) (Entered: 09/01/2021)
09/01/2021		MINUTE ORDER granting Defendant Harrington's <u>24</u> Motion for E-Filing Privileges. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/1/2021. (lctnm1) (Entered: 09/01/2021)
09/02/2021	<u>25</u>	MOTION for Joinder <i>To Motion to Dismiss of James E. Grumbach</i> by LEE HARRINGTON. (HARRINGTON, LEE) (Entered: 09/02/2021)
09/02/2021	<u>26</u>	NOTICE of Pro Se Appearance. . (Attachments: # <u>1</u> Motion to Dismiss, # <u>2</u> Memorandum in Support Memorandum in Support of MTD)(NATHANSON, ALVIN) Modified event title on 9/7/2021 (znmw). (Entered: 09/02/2021)
09/02/2021	<u>27</u>	ORDER advising Plaintiff to respond by September 30, 2021, extending Plaintiff's time to respond to Defendant Grumbach's <u>7</u> Motion to Dismiss, and warning that if Plaintiff

		fails to respond to Defendants' <u>7</u> , <u>25</u> , <u>26</u> Motions the Court may deem them conceded. Signed by Judge Trevor N. McFadden on 9/2/2021. (lctnm1) (Entered: 09/02/2021)
09/02/2021		MINUTE ORDER. Plaintiff filed the Complaint in this action on July 7, 2021. As of the date of this Order, the public docket reflects that Plaintiff has yet to file proof of service for some Defendants. The Court directs Plaintiff's attention to Federal Rule of Civil Procedure 4(m) and Local Civil Rule 5.3. It is hereby ORDERED that, by no later than October 5, 2021, Plaintiff must either cause process to be served upon each Defendant and file proof of service with the Court or establish good cause for the failure to do so. Failure to make such filings will result in dismissal of this case as to any unserved Defendants. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/2/2021. (lctnm1) (Entered: 09/02/2021)
09/02/2021	29	MOTION to Dismiss by ALVIN NATHANSON. (View Docket Entry <u>26</u> to view document). (eg) (Entered: 09/07/2021)
09/03/2021		Set/Reset Deadlines: Plaintiff's responses due by 9/30/2021. Plaintiff's proof of service due by 10/5/2021. (hmc) (Entered: 09/03/2021)
09/03/2021	<u>28</u>	MOTION to Modify <i>Order</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 09/03/2021)
09/03/2021		MINUTE ORDER granting Plaintiff's <u>28</u> Motion to Modify Deadlines. Plaintiff shall respond to the pending motions to dismiss on or before September 30, 2021. The Court directs Plaintiff's attention to page four of this Court's <u>5</u> Standing Order and to Local Civil Rule 7(m), which states: "Before filing any nondispositive motion in a civil action, counsel shall discuss the anticipated motion with opposing counsel in a good-faith effort to determine whether there is any opposition to the relief sought... A party shall include in its motion a statement that the required discussion occurred, and a statement as to whether the motion is opposed." Future requests from any party that fail to comply with this rule will be denied. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/3/21. (lctnm1) (Entered: 09/03/2021)
09/03/2021		Set/Reset Deadlines: Plaintiff's response due by 9/30/2021. (hmc) (Entered: 09/03/2021)
09/07/2021	<u>30</u>	MOTION to Dismiss - <i>Joinder to James E. Grumbach's and Brighton Avenue Associates, LLC's Motion to Dismiss, and Memorandum in Support</i> by DAVID REIER. (Attachments: # <u>1</u> Text of Proposed Order)(Brater, Randall) (Entered: 09/07/2021)
09/08/2021	<u>31</u>	ORDER advising Plaintiff to respond by September 30, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded the claims against Defendant Reier. Signed by Judge Trevor N. McFadden on 9/8/2021. (lctnm1) (Entered: 09/08/2021)
09/09/2021		Set/Reset Deadlines: Plaintiff's response due by 9/30/2021. (hmc) (Entered: 09/09/2021)
09/10/2021	<u>32</u>	AFFIDAVIT re <u>33</u> Memorandum in opposition to re <u>7</u> MOTION to Dismiss <i>Plaintiffs' Complaint Affidavit</i> filed by BAHIG BISHAY. (Attachments: # <u>1</u> Affidavit Ex. A, # <u>2</u> Ex. B, # <u>3</u> Ex. C, # <u>4</u> Ex. D, # <u>5</u> Ex. E, # <u>6</u> Ex. F, # <u>7</u> Ex. G, # <u>8</u> Ex. H, # <u>9</u> Ex. I, # <u>10</u> Ex. J, # <u>11</u> Ex. J-1, # <u>12</u> Ex. K, # <u>13</u> Ex. L, # <u>14</u> Ex. M, # <u>15</u> Ex. N, # <u>16</u> Ex. N-1, # <u>17</u> Ex. O, # <u>18</u> Ex. P, # <u>19</u> Ex. P-1, # <u>20</u> Ex. Q, # <u>21</u> Ex. Q-1, # <u>22</u> Ex. R, # <u>23</u> Ex. S, # <u>24</u> Ex. T, # <u>25</u> Ex. U, # <u>26</u> Ex. V, # <u>27</u> Ex. W, # <u>28</u> Ex. X, # <u>29</u> Ex. Y)(BISHAY, BAHIG) Modified on 9/12/2021 to add docket link (zjf). (Entered: 09/10/2021)
09/10/2021	<u>33</u>	Memorandum in opposition to re <u>7</u> MOTION to Dismiss <i>Plaintiffs' Complaint submitted by James Grumbach</i> , filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 09/10/2021)
09/13/2021	<u>34</u>	NOTICE of Appearance by Virginia Wood Barnhart on behalf of CITICORP LEASING, INC. (Barnhart, Virginia) (Entered: 09/13/2021)

09/13/2021	<u>35</u>	NOTICE of Appearance by Sarah Elizabeth Meyer on behalf of CITICORP LEASING, INC. (Meyer, Sarah) (Entered: 09/13/2021)
09/13/2021	<u>36</u>	MOTION for Extension of Time to <i>Respond to Complaint</i> by CITICORP LEASING, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Meyer, Sarah) (Entered: 09/13/2021)
09/13/2021	<u>37</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by GMAC (Herbst, Daniel) (Entered: 09/13/2021)
09/13/2021	<u>38</u>	MOTION to Dismiss <i>Plaintiffs' Complaint with Prejudice for Failure to State a Claim</i> by GMAC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 (August 6, 2010 8-K for Ally Financial, Inc.), # <u>3</u> Text of Proposed Order, # <u>4</u> Certificate of Service)(Herbst, Daniel) (Entered: 09/13/2021)
09/14/2021		MINUTE ORDER granting Defendant Citicorp Leasing Inc.'s <u>36</u> Consent Motion for Extension of Time to Respond. Defendant Citicorp Leasing Inc. shall respond to the <u>1</u> Complaint on or before September 30, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/14/2021. (lctnm1) (Entered: 09/14/2021)
09/14/2021	<u>39</u>	ORDER advising Plaintiff to respond by October 6, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded the claims against Defendant Ally Financial, Inc. Signed by Judge Trevor N. McFadden on 9/14/2021. (lctnm1) (Entered: 09/14/2021)
09/14/2021	<u>40</u>	NOTICE of Appearance by Jessica R. Blaemire on behalf of BANK OF AMERICA, N.A. (Blaemire, Jessica) (Entered: 09/14/2021)
09/14/2021		Set/Reset Deadlines: Defendant Citicorp Leasing Inc's response to the Complaint due by 9/30/2021. Plaintiff's response to Defendant Ally's motion due by 10/6/2021 (hmc) (Entered: 09/14/2021)
09/16/2021	<u>41</u>	MOTION to Dismiss <i>Complaint and Memorandum in Support</i> by BANK OF AMERICA, N.A.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Text of Proposed Order)(Blaemire, Jessica) (Entered: 09/16/2021)
09/16/2021	<u>42</u>	NOTICE of Appearance by Cassandra Bolanos on behalf of KIMBERLY S. BUDD, ROBERT A. CORNETTA, ELSPETH B. CYPHER, FRANK M. GAZIANO, MAURA HEALY, SCOTT KAFKER, ELIZABETH A. KAPLAN, BARBARA A. LENK, DAVID A. LOWY, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, ALLEXANDER H. SANDS (Bolanos, Cassandra) (Entered: 09/16/2021)
09/16/2021	<u>43</u>	MOTION for Extension of Time to File Answer by KIMBERLY S. BUDD, ROBERT A. CORNETTA, ELSPETH B. CYPHER, FRANK M. GAZIANO, MAURA HEALY, SCOTT KAFKER, ELIZABETH A. KAPLAN, BARBARA A. LENK, DAVID A. LOWY, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, ALLEXANDER H. SANDS. (Attachments: # <u>1</u> Exhibit Exhibit A)(Bolanos, Cassandra) (Entered: 09/16/2021)
09/16/2021		MINUTE ORDER granting Defendants' <u>43</u> Motion for Extension of Time to Respond. The associated Defendants shall respond to the <u>1</u> Complaint on or before September 30, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/16/2021. (lctnm1) (Entered: 09/16/2021)
09/17/2021	<u>44</u>	REPLY to opposition to motion re <u>7</u> MOTION to Dismiss <i>Plaintiffs' Complaint and Objection to Motion to Dismiss Complaint</i> filed by JAMES GRUMBACH. (Parrott, Steven) (Entered: 09/17/2021)
09/17/2021	<u>45</u>	ORDER advising Plaintiff to respond by October 6, 2021, and warning that if Plaintiff

		fails to do so the Court may deem conceded the claims against Defendant Bank of America, N.A. Signed by Judge Trevor N. McFadden on 9/17/2021. (lctnm1) (Entered: 09/17/2021)
09/17/2021	<u>46</u>	MOTION for Extension of Time to <i>File Initial Response to Complaint</i> by DAVID J. BARRON, ALLISON D. BURROUGHS, FEDERAL BUREAU OF INVESTIGATION, SUSAN FRIMPONG, SCOTT S. HARRIS, JEFFERY R. HOWARD, WILLIAM J. KAYATTA, JR, SANDRA L. LYNCH, MARA SILVER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, U.S. DEPARTMENT OF JUSTICE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG. (Weiner, Blake) (Entered: 09/17/2021)
09/17/2021		MINUTE ORDER partially granting Defendants' <u>46</u> Motion for Extension of Time to Respond. The associated Defendants shall respond to the <u>1</u> Complaint on or before November 8, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 9/17/2021. (lctnm1) (Entered: 09/17/2021)
09/17/2021		Set/Reset Deadlines: Defendants' response to the Complaint due by 9/30/2021. (hmc) (Entered: 09/17/2021)
09/17/2021		Set/Reset Deadlines: Plaintiff's response due by 10/6/2021. (hmc) (Entered: 09/17/2021)
09/20/2021	<u>47</u>	MOTION to Dismiss by MECHANICS COOPERATIVE BANK, MICHAEL TWOHIG. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Order)(Parrott, Steven) (Entered: 09/20/2021)
09/21/2021	<u>48</u>	WITHDRAWN PURSUANT TO NOTICE FILLED 09/23/2021.....MOTION to Dismiss by MICHAEL TWOHIG. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Text of Proposed Order)(Parrott, Steven) Modified on 9/24/2021 (zeg). (Entered: 09/21/2021)
09/21/2021		Set/Reset Deadlines: Defendant's response to the Complaint due by 11/8/2021. (hmc) (Entered: 09/21/2021)
09/21/2021	<u>49</u>	ORDER advising Plaintiff to respond by October 18, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded the claims against Defendants Mechanic Cooperative Bank and Michael Twohig. <i>See</i> ECF Nos. <u>47</u> , <u>48</u> . Signed by Judge Trevor N. McFadden on 9/21/2021. (lctnm1) (Entered: 09/21/2021)
09/23/2021		Set/Reset Deadlines: Plaintiff's response due by 10/18/2021. (hmc) (Entered: 09/23/2021)
09/23/2021	<u>50</u>	Memorandum in opposition to re <u>11</u> MOTION to Dismiss <i>and Memorandum of Law in Support</i> , <u>10</u> MOTION to Dismiss, <u>38</u> MOTION to Dismiss <i>Plaintiffs' Complaint with Prejudice for Failure to State a Claim</i> , <u>41</u> MOTION to Dismiss <i>Complaint and Memorandum in Support</i> , <u>19</u> MOTION to Dismiss , <u>8</u> MOTION to Dismiss <i>Complaint</i> , <u>30</u> MOTION to Dismiss - <i>Joinder to James E. Grumbach's and Brighton Avenue Associates, LLC's Motion to Dismiss, and Memorandum in Support</i> , <u>29</u> MOTION to Dismiss, <u>25</u> MOTION for Joinder <i>To Motion to Dismiss of James E. Grumbach</i> filed by BAHIG BISHAY. (BISHAY, BAHIG) Modified docket event/text on 9/24/2021 (eg). (Entered: 09/23/2021)
09/23/2021	<u>51</u>	ENTERED IN ERROR.....NOTICE OF WITHDRAWAL OF MOTION by MECHANICS COOPERATIVE BANK (Parrott, Steven) Modified on 9/24/2021 (zeg). (Entered: 09/23/2021)
09/23/2021	<u>52</u>	NOTICE OF WITHDRAWAL OF MOTION re <u>48</u> by MECHANICS COOPERATIVE BANK (Parrott, Steven) Modified to add link on 9/24/2021 (znmw). (Entered: 09/23/2021)
09/23/2021	<u>53</u>	SUPPLEMENTAL MEMORANDUM to re <u>47</u> MOTION to Dismiss by MECHANICS

		COOPERATIVE BANK. (Parrott, Steven) Modified docket event/text on 9/24/2021 (eg). (Entered: 09/23/2021)
09/23/2021	<u>54</u>	NOTICE of Proposed Order re <u>47</u> MOTION to Dismiss by MECHANICS COOPERATIVE BANK (Parrott, Steven) Modified docket link on 9/24/2021 (eg). (Entered: 09/23/2021)
09/23/2021	<u>55</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DAVID J. BARRON served on 7/21/2021; KIMBERLY S. BUDD served on 7/21/2021; ALLISON D. BURROUGHS served on 7/21/2021; ROBERT A. CORNETTA served on 7/21/2021; JAMES A. CROWELL, IV served on 7/26/2021; ELSPETH B. CYPHER served on 7/21/2021; FEDERAL BUREAU OF INVESTIGATION served on 7/26/2021; SUSAN FRIMPONG served on 8/13/2021; RALPH D. GANTS served on 7/21/2021; FRANK M. GAZIANO served on 7/21/2021; SCOTT S. HARRIS served on 7/26/2021; MAURA HEALY served on 7/21/2021; JEFFERY R. HOWARD served on 7/21/2021; SCOTT KAFKER served on 7/21/2021; ELIZABETH A. KAPLAN served on 7/21/2021; WILLIAM J. KAYATTA, JR served on 7/21/2021; BARBARA A. LENK served on 7/21/2021; DAVID A. LOWY served on 7/21/2021; SANDRA L. LYNCH served on 7/21/2021; MASSACHUSETTS LAND COURT served on 7/22/2021; MASSACHUSETTS SUPERIOR COURT served on 7/21/2021; ALLEXANDER H. SANDS served on 7/21/2021; MARA SILVER served on 8/13/2021; LEO T. SOROKIN served on 7/21/2021; O. ROGERIEE THOMPSON served on 7/21/2021; JUAN R. TORRUELA served on 7/22/2021; CHRISTOPHER A. WRAY served on 7/26/2021; WILLIAM G. YOUNG served on 7/21/2021 (BISHAY, BAHIG) Modified on 9/28/2021 (znmw). (Entered: 09/23/2021)
09/23/2021		NOTICE OF CORRECTED DOCKET ENTRY: re <u>51</u> Notice of Withdrawal of Motion was entered in error and counsel has refiled said pleading in docket entry <u>53</u> . (zeg) (Entered: 09/24/2021)
09/23/2021	<u>58</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. THERESA KELLY BANASH served on 7/22/2021, answer due 8/12/2021; BANK OF AMERICA, N.A. served on 8/16/2021, answer due 9/6/2021; BELL ATLANTIC YELLOW PAGES COMPANY, INC. served on 9/13/2021, answer due 10/4/2021; BRIGHTON AVENUE ASSOCIATES LLC served on 7/23/2021, answer due 8/13/2021; CITICORP LEASING, INC. served on 9/13/2021, answer due 10/4/2021; CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP served on 8/16/2021, answer due 9/6/2021; KURT DEUSCHLE served on 7/23/2021, answer due 8/13/2021; ESTATE OF HAROLD BROWN served on 9/17/2021, answer due 10/8/2021; JON FREEMAN served on 7/23/2021, answer due 8/13/2021; THOMAS GALLITANO served on 8/16/2021, answer due 9/6/2021; GIBRALTAR HOLDINGS GROUP, INC. served on 8/18/2021, answer due 9/8/2021; GMAC served on 8/17/2021, answer due 9/7/2021; LAWRENCE GREEN served on 8/16/2021, answer due 9/6/2021; KENNETH LEONETTI served on 7/22/2021, answer due 8/12/2021; KURT LYN served on 8/18/2021, answer due 9/8/2021; MECHANICS COOPERATIVE BANK served on 7/22/2021, answer due 8/12/2021; MERRILL LYNCH CREDIT CORP served on 7/26/2021, answer due 8/16/2021; ALVIN NATHANSON served on 8/16/2021, answer due 9/6/2021; REAL ESTATE GROWTH FUND, LLC served on 7/23/2021, answer due 8/13/2021; DAVID REIER served on 8/16/2021, answer due 9/6/2021; JAMES SINGER served on 9/9/2021, answer due 9/30/2021; MICHAEL TWOHIG served on 7/21/2021, answer due 8/11/2021; HERBERT WEINBERG served on 7/21/2021, answer due 8/11/2021; JONATHAN D. WHITE served on 8/16/2021, answer due 9/6/2021. MICHAEL P. GUINTA served on 7/21/2021, answer due 8/11/2021; PETER D. KYBURG served on 7/22/2021, answer due 8/12/2021 (See Docket Entry <u>55</u> to view document). (znmw) Modified on 9/28/2021 (znmw). (Entered: 09/28/2021)

09/23/2021	59	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/26/2021., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/26/2021. (Answer due for ALL FEDERAL DEFENDANTS by 9/24/2021.). (See Docket Entry <u>55</u> to view document). (znmw) (Entered: 09/28/2021)
09/24/2021	<u>56</u>	MOTION for Entry of Default <i>Application</i> by BAHIG BISHAY. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Motion for Entry of Judgment, # <u>3</u> Proposed Order)(BISHAY, BAHIG) (Entered: 09/24/2021)
09/24/2021	<u>57</u>	MOTION to Strike <u>54</u> Notice of Proposed Order, <u>51</u> Notice of Withdrawal of Motion, <u>47</u> MOTION to Dismiss , <u>52</u> Notice of Withdrawal of Motion, Notice of Corrected Docket Entry by BAHIG BISHAY. (Attachments: # <u>1</u> Proposed Order)(BISHAY, BAHIG) (Entered: 09/24/2021)
09/24/2021	65	MOTION for Default Judgment by BAHIG BISHAY. (See Docket Entry <u>56</u> to view document). (znmw) (Entered: 09/28/2021)
09/28/2021	<u>60</u>	ENTERED IN ERROR.....Clerk's ENTRY OF DEFAULT as to MICHAEL P. GUINTA, HERBERT WEINBERG (znmw) Modified on 9/28/2021 (znmw). (Entered: 09/28/2021)
09/28/2021	<u>61</u>	ENTERED IN ERROR.....Clerk's ENTRY OF DEFAULT as to PETER D. KYBURG (znmw) Modified on 9/28/2021 (znmw). (Entered: 09/28/2021)
09/28/2021	<u>62</u>	Clerk's ENTRY OF DEFAULT as to REAL ESTATE GROWTH FUND, LLC (znmw) (Main Document 62 replaced on 9/28/2021) (znmw). Modified defendant in default on 9/28/2021 (znmw). (Entered: 09/28/2021)
09/28/2021	<u>63</u>	Clerk's ENTRY OF DEFAULT as to CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP (znmw) (Main Document 63 replaced on 9/28/2021) (znmw). Modified defendant in default on 9/28/2021 (znmw). (Entered: 09/28/2021)
09/28/2021	<u>64</u>	Clerk's ENTRY OF DEFAULT as to GIBRALTAR HOLDINGS GROUP, INC. (znmw) (Main Document 64 replaced on 9/28/2021) (znmw). Modified defendant in default on 9/28/2021 (znmw). . (Entered: 09/28/2021)
09/28/2021		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entries <u>60</u> Clerk's Entry of Default, and <u>61</u> Clerk's Entry of Default were entered in error; please disregard. Docket Entries <u>62</u> Clerk's Entry of Default, <u>63</u> Clerk's Entry of Default, <u>64</u> Clerk's Entry of Default were modified to reflect the correct defendant in default. Default cannot be entered against a person without a Military Affidavit. (znmw) (Entered: 09/28/2021)
09/28/2021	<u>66</u>	MILITARY AFFIDAVIT re <u>62</u> Clerk's Entry of Default, 65 MOTION for Default Judgment as to, <u>63</u> Clerk's Entry of Default, <u>60</u> Clerk's Entry of Default, <u>61</u> Clerk's Entry of Default, <u>64</u> Clerk's Entry of Default, Notice of Corrected Docket Entry, by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 09/28/2021)
09/29/2021	<u>67</u>	MOTION to Dismiss <i>Complaint</i> by KIMBERLY S. BUDD, ROBERT A. CORNETTA, ELSPETH B. CYPHER, RALPH D. GANTS, FRANK M. GAZIANO, MAURA HEALY, SCOTT KAFKER, ELIZABETH A. KAPLAN, BARBARA A. LENK, DAVID A. LOWY, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, ALLEXANDER H. SANDS. (Attachments: # <u>1</u> Memorandum in Support) (Bolanos, Cassandra) (Entered: 09/29/2021)
09/29/2021	<u>68</u>	NOTICE of Appearance by Laura M.K. Hassler on behalf of CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO (Hassler, Laura) (Entered: 09/29/2021)

09/29/2021	<u>69</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP (Hassler, Laura) (Entered: 09/29/2021)
09/29/2021	<u>70</u>	MOTION to Dismiss by CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Hassler, Laura) (Entered: 09/29/2021)
09/29/2021	<u>71</u>	Memorandum in opposition to re 65 MOTION for Default Judgment as to <i>Conn Kavanaugh Rosenthal Peisch & Ford, LLP and Thomas Gallitano, Esq.</i> filed by CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Hassler, Laura) (Entered: 09/29/2021)
09/29/2021	<u>72</u>	MOTION to Set Aside Default <i>as to Conn Kavanaugh Rosenthal Peisch & Ford, LLP</i> by CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Hassler, Laura) (Entered: 09/29/2021)
09/30/2021	<u>73</u>	REPLY to opposition to motion re <u>38</u> MOTION to Dismiss <i>Plaintiffs' Complaint with Prejudice for Failure to State a Claim</i> filed by GMAC. (Herbst, Daniel) (Entered: 09/30/2021)
09/30/2021	<u>74</u>	REPLY to opposition to motion re <u>38</u> MOTION to Dismiss <i>Plaintiffs' Complaint with Prejudice for Failure to State a Claim</i> filed by BANK OF AMERICA, N.A.. (Blaemire, Jessica) (Entered: 09/30/2021)
09/30/2021	<u>75</u>	REPLY to opposition to motion re <u>11</u> MOTION to Dismiss <i>and Memorandum of Law in Support</i> , <u>30</u> MOTION to Dismiss - <i>Joinder to James E. Grumbach's and Brighton Avenue Associates, LLC's Motion to Dismiss, and Memorandum in Support</i> filed by BRIGHTON AVENUE ASSOCIATES LLC, DAVID REIER. (Brater, Randall) (Entered: 09/30/2021)
09/30/2021	<u>76</u>	MOTION to Dismiss, MOTION for Joinder <i>James E. Grumbach's and Brighton Avenue Associates, LLC's Motions to Dismiss</i> by JAMES SINGER. (Attachments: # <u>1</u> Text of Proposed Order)(Brater, Randall). Added MOTION for Joinder on 10/6/2021 (zeg). (Entered: 09/30/2021)
09/30/2021	<u>77</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Dustin F. Hecker, Filing fee \$ 100, receipt number ADCDC-8771911. Fee Status: Fee Paid. by BRIGHTON AVENUE ASSOCIATES LLC, DAVID REIER, JAMES SINGER. (Attachments: # <u>1</u> Declaration of Dustin F. Hecker, # <u>2</u> Text of Proposed Order)(Brater, Randall) (Entered: 09/30/2021)
09/30/2021	<u>78</u>	MOTION to Dismiss for Lack of Jurisdiction <i>and for Improper Service</i> by CITICORP LEASING, INC.. (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> Text of Proposed Order) (Meyer, Sarah) (Entered: 09/30/2021)
09/30/2021	<u>79</u>	MOTION to Strike <u>67</u> MOTION to Dismiss <i>Complaint</i> by BAHIG BISHAY. (Attachments: # <u>1</u> Proposed Order)(BISHAY, BAHIG) (Entered: 09/30/2021)
09/30/2021		MINUTE ORDER granting <u>77</u> Motion for Leave to Appear <i>Pro Hac Vice</i> . Attorney Dustin F. Hecker is hereby admitted to appear <i>pro hac vice</i> in this matter. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click here for instructions . Signed by Judge Trevor N. McFadden on 9/30/2021. (lctnm1) (Entered: 09/30/2021)
10/01/2021	<u>80</u>	ORDER advising Plaintiff to respond by October 22, 2021, and warning that if Plaintiff

		fails to do so the Court may deem conceded Defendants' <u>67</u> , <u>70</u> , <u>76</u> , <u>78</u> Motions to Dismiss. Signed by Judge Trevor N. McFadden on 10/1/2021. (lctnm1) (Entered: 10/01/2021)
10/01/2021	<u>81</u>	Memorandum in opposition to <u>56</u> MOTION for Entry of Default <i>Application</i> filed by MICHAEL TWOHIG. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Text of Proposed Order)(Parrott, Steven); Modified docketing event and text on 10/4/2021 (zth). (Entered: 10/01/2021)
10/01/2021	<u>82</u>	Memorandum in opposition to re <u>57</u> MOTION to Strike <u>54</u> Notice of Proposed Order, <u>51</u> Notice of Withdrawal of Motion, <u>47</u> MOTION to Dismiss , <u>52</u> Notice of Withdrawal of Motion, Notice of Corrected Docket Entry filed by MICHAEL TWOHIG. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Parrott, Steven) Modified docket event/text on 10/6/2021 (eg). (Entered: 10/01/2021)
10/04/2021		Set/Reset Deadlines: Plaintiff's response due by 10/22/2021. (hmc) (Entered: 10/04/2021)
10/06/2021	<u>83</u>	Memorandum in opposition to re <u>56</u> MOTION for Entry of Default <i>Application</i> filed by LAWRENCE GREEN. (Attachments: # <u>1</u> Exhibit Affidavit of Lawrence Green, # <u>2</u> Text of Proposed Order)(Green, Bryant) (Entered: 10/06/2021)
10/06/2021	<u>84</u>	MOTION to Dismiss by LAWRENCE GREEN. (Attachments: # <u>1</u> Supplement Table of Contents, # <u>2</u> Supplement Table of Authorities, # <u>3</u> Memorandum in Support, # <u>4</u> Exhibit Affidavit of Lawrence Green, # <u>5</u> Text of Proposed Order)(Green, Bryant) (Entered: 10/06/2021)
10/06/2021	<u>85</u>	NOTICE of Appearance by Craig David Roswell on behalf of LAWRENCE GREEN (Roswell, Craig) (Entered: 10/06/2021)
10/07/2021	<u>86</u>	ORDER advising Plaintiff to respond by October 22, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded Defendant Green's <u>84</u> Motion to Dismiss. Signed by Judge Trevor N. McFadden on 10/7/2021. (lctnm1) (Entered: 10/07/2021)
10/07/2021		Set/Reset Deadlines: Plaintiff's response due by 10/22/2021. (ztg) (Entered: 10/07/2021)
10/08/2021	<u>87</u>	Memorandum in opposition to re <u>67</u> MOTION to Dismiss <i>Complaint</i> filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 10/08/2021)
10/08/2021	<u>88</u>	REPLY to opposition to motion re <u>19</u> MOTION to Dismiss filed by THERESA KELLY BANASH. (BANASH, THERESA) (Entered: 10/08/2021)
10/11/2021	<u>89</u>	MOTION to Strike <u>70</u> MOTION to Dismiss , <i>in the alternative, to DENY Motion to Dismiss</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 10/11/2021)
10/12/2021	<u>90</u>	Memorandum in opposition to re <u>76</u> MOTION to Dismiss <i>and Joinder to James E. Grumbach's and Brighton Avenue Associates, LLC's Motions to Dismiss</i> MOTION for Joinder filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 10/12/2021)
10/12/2021	<u>91</u>	Memorandum in opposition to re <u>78</u> MOTION to Dismiss for Lack of Jurisdiction <i>and for Improper Service</i> filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 10/12/2021)
10/12/2021	<u>92</u>	MOTION to Strike <u>84</u> MOTION to Dismiss by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 10/12/2021)
10/12/2021	<u>93</u>	MOTION for Entry of Default by BAHIG BISHAY. (Attachments: # <u>1</u> Affidavit) (BISHAY, BAHIG) Modified event on 11/10/2021 (znmw). (Entered: 10/12/2021)
10/12/2021	<u>94</u>	MOTION for Default Judgment as to by BAHIG BISHAY. (Attachments: # <u>1</u> Text of Proposed Order)(BISHAY, BAHIG) (Entered: 10/12/2021)

10/12/2021	<u>95</u>	MOTION for CM/ECF Password by MICHAEL P. GIUNTA. (Attachment: # <u>1</u> Affidavit)(eg) (Entered: 10/14/2021)
10/12/2021	<u>110</u>	MOTION for CM/ECF Password by HERBERT WEINBERG. (Attachment: # <u>1</u> Affidavit)(eg) Modified on 10/26/2021 to correct filer.(ztnr) (Entered: 10/22/2021)
10/15/2021	<u>96</u>	REPLY to opposition to motion re <u>84</u> MOTION to Dismiss , <u>84</u> MOTION to Dismiss filed by LAWRENCE GREEN. (Green, Bryant) Modified entry relationship/docket text on 11/10/2021 (zeg). (Entered: 10/15/2021)
10/15/2021	120	Memorandum in opposition to re <u>92</u> MOTION to Strike <u>84</u> MOTION to Dismiss filed by LAWRENCE GREEN. (See Docket Entry <u>96</u> to view document). (zeg) (Entered: 11/10/2021)
10/18/2021	<u>97</u>	ORDER granting Third Party Defendant Giunta's <u>95</u> Motion for CM/ECF Password. See Order for details. Signed by Judge Trevor N. McFadden on 10/18/2021. (lctnm1) (Entered: 10/18/2021)
10/18/2021	<u>98</u>	NOTICE of Appearance by Leslie W. Kostyshak on behalf of VERIZON COMMUNICATIONS INC. (Kostyshak, Leslie) (Entered: 10/18/2021)
10/18/2021	<u>99</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by VERIZON COMMUNICATIONS INC. (Kostyshak, Leslie) (Entered: 10/18/2021)
10/18/2021	<u>100</u>	Memorandum in opposition to re <u>94</u> MOTION for Default Judgment as to , <u>93</u> MOTION for Issuance of Warrant in rem MOTION for Entry of Default filed by VERIZON COMMUNICATIONS INC.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Text of Proposed Order Proposed Order)(Kostyshak, Leslie) (Entered: 10/18/2021)
10/18/2021	<u>101</u>	MOTION to Dismiss by VERIZON COMMUNICATIONS INC.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Kostyshak, Leslie) (Entered: 10/18/2021)
10/18/2021	<u>102</u>	Memorandum <i>In Support of Motion to Dismiss</i> re <u>101</u> MOTION to Dismiss by VERIZON COMMUNICATIONS INC.. (Kostyshak, Leslie) Modified docket event/text on 11/10/2021 (eg). Modified on 11/10/2021 (zeg). (Entered: 10/18/2021)
10/19/2021	<u>103</u>	REPLY to opposition to motion re <u>78</u> MOTION to Dismiss for Lack of Jurisdiction <i>and for Improper Service</i> filed by CITICORP LEASING, INC.. (Meyer, Sarah) (Entered: 10/19/2021)
10/19/2021	<u>104</u>	REPLY to opposition to motion re <u>76</u> MOTION to Dismiss <i>and Joinder to James E. Grumbach's and Brighton Avenue Associates, LLC's Motions to Dismiss</i> MOTION for Joinder filed by JAMES SINGER. (Brater, Randall) (Entered: 10/19/2021)
10/19/2021	<u>105</u>	ORDER advising Plaintiff to respond by November 1, 2021, and warning that if Plaintiff fails to do so the Court may deem conceded Defendant Verizon Communication's <u>101</u> Motion to Dismiss. Signed by Judge Trevor N. McFadden on 10/19/2021. (lctnm1) (Entered: 10/19/2021)
10/19/2021	<u>106</u>	MOTION for Extension of Time to File <i>Response to Plaintiffs' Complaint</i> by MICHAEL PIERRE GIUNTA. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on motion for extension of time)(GIUNTA, MICHAEL) (Entered: 10/19/2021)
10/19/2021		Set/Reset Deadlines: Plaintiff's response due by 11/1/2021. (hmc) (Entered: 10/19/2021)
10/19/2021		MINUTE ORDER granting Defendant Giunta's <u>106</u> Motion for Extension of Time. Defendant shall respond to Plaintiff's <u>1</u> Complaint on or before October 26, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/19/2021. (lctnm1) (Entered: 10/19/2021)

10/19/2021	<u>107</u>	RESPONSE re <u>56</u> MOTION for Entry of Default <i>Application</i> filed by MICHAEL PIERRE GIUNTA. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Opposition to Plaintiffs' Motion for Default Judgment)(GIUNTA, MICHAEL) (Entered: 10/19/2021)
10/19/2021	<u>108</u>	MOTION to Set Aside Default , <i>If Any</i> by MICHAEL PIERRE GIUNTA. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Opposition to Plaintiffs' Motion for Default Judgment)(GIUNTA, MICHAEL) (Entered: 10/19/2021)
10/20/2021		Set/Reset Deadlines: Defendant Guinta's response to the Complaint due by 10/26/2021. (hmc) (Entered: 10/20/2021)
10/21/2021	<u>109</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by MICHAEL PIERRE GIUNTA. (Attachments: # <u>1</u> Memorandum in Support Memorandum in support of motion to dismiss plaintiffs' complaint, # <u>2</u> Text of Proposed Order Proposed Order)(GIUNTA, MICHAEL) (Entered: 10/21/2021)
10/25/2021	<u>111</u>	Memorandum in opposition to re <u>101</u> MOTION to Dismiss filed by BAHIG BISHAY. (Attachments: # <u>1</u> Exhibit)(BISHAY, BAHIG) (Entered: 10/25/2021)
10/25/2021	<u>112</u>	ORDER granting Third Party Defendant Weinberg's <u>110</u> Motion for CM/ECF Password. See Order for details. Signed by Judge Trevor N. McFadden on 10/25/2021. (lctnm1) (Entered: 10/25/2021)
10/25/2021	<u>113</u>	Memorandum in opposition to re <u>89</u> MOTION to Strike <u>70</u> MOTION to Dismiss , <i>in the alternative, to DENY Motion to Dismiss</i> filed by CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO. (Attachments: # <u>1</u> Text of Proposed Order)(Hassler, Laura) (Entered: 10/25/2021)
11/01/2021	<u>114</u>	REPLY re <u>101</u> MOTION to Dismiss <i>Reply Memorandum in Further Support of Motion to Dismiss</i> filed by VERIZON COMMUNICATIONS INC.. (Kostyshak, Leslie) Modified event title on 11/10/2021 (znmw). (Entered: 11/01/2021)
11/02/2021	<u>115</u>	Mail Returned as Undeliverable re <u>64</u> Clerk's Entry of Default sent to Gibraltar Holdings. Inc.; New Address: Not Provided. (znmw) (Entered: 11/03/2021)
11/05/2021	<u>116</u>	MOTION to Set Aside Default , <i>and Opposition to Request for Entry of Default Judgement</i> by REAL ESTATE GROWTH FUND, LLC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Parrott, Steven) (Entered: 11/05/2021)
11/05/2021	<u>117</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by REAL ESTATE GROWTH FUND, LLC. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order) (Parrott, Steven) (Entered: 11/05/2021)
11/05/2021	121	Memorandum in opposition to re <u>94</u> MOTION for Default Judgment as to filed by REAL ESTATE GROWTH FUND, LLC. (See Docket Entry <u>116</u> to view document). (zeg) (Entered: 11/10/2021)
11/08/2021	<u>118</u>	MOTION to Dismiss by DAVID J. BARRON, ALLISON D. BURROUGHS, FEDERAL BUREAU OF INVESTIGATION, SUSAN FRIMPONG, SCOTT S. HARRIS, JEFFERY R. HOWARD, WILLIAM J. KAYATTA, JR, SANDRA L. LYNCH, MARA SILVER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, U.S. DEPARTMENT OF JUSTICE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1)(Weiner, Blake) (Entered: 11/08/2021)
11/09/2021	<u>119</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> by JONATHAN D. WHITE. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Vernick, Andrew) (Entered: 11/09/2021)

11/12/2021	<u>122</u>	Memorandum in opposition to re <u>118</u> MOTION to Dismiss filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 11/12/2021)
11/12/2021	<u>123</u>	MOTION for Extension of Time to File Response/Reply as to <u>118</u> MOTION to Dismiss by DAVID J. BARRON, ALLISON D. BURROUGHS, FEDERAL BUREAU OF INVESTIGATION, SUSAN FRIMPONG, SCOTT S. HARRIS, JEFFERY R. HOWARD, WILLIAM J. KAYATTA, JR, SANDRA L. LYNCH, MARA SILVER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, U.S. DEPARTMENT OF JUSTICE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG. (Weiner, Blake) (Entered: 11/12/2021)
11/12/2021		MINUTE ORDER granting the <u>123</u> Motion for Extension of Time. The Reply shall be filed on or before December 20, 2021. SO ORDERED. Signed by Judge Trevor N. McFadden on 11/12/2021. (lctnm1) (Entered: 11/12/2021)
11/15/2021	<u>124</u>	NOTICE of formal communication with the United States Attorney General by BAHIG BISHAY re <u>118</u> MOTION to Dismiss , <u>122</u> Memorandum in Opposition (BISHAY, BAHIG) (Entered: 11/15/2021)
11/15/2021	<u>125</u>	NOTICE of Appearance by Phoebe Fischer-Groban on behalf of KIMBERLY S. BUDD, ROBERT A. CORNETTA, ELSPETH B. CYPHER, FRANK M. GAZIANO, MAURA HEALY, SCOTT KAFKER, ELIZABETH A. KAPLAN, BARBARA A. LENK, DAVID A. LOWY, MASSACHUSETTS LAND COURT, MASSACHUSETTS SUPERIOR COURT, ALEXANDER H. SANDS (Fischer-Groban, Phoebe) (Entered: 11/15/2021)
11/15/2021		Set/Reset Deadlines: Reply due by 12/20/2021. (hmc) (Entered: 11/15/2021)
11/16/2021	<u>126</u>	RESPONSE re <u>56</u> MOTION for Entry of Default <i>Application</i> filed by JONATHAN D. WHITE. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Vernick, Andrew) (Entered: 11/16/2021)
12/20/2021	<u>127</u>	REPLY to opposition to motion re <u>118</u> MOTION to Dismiss filed by DAVID J. BARRON, ALLISON D. BURROUGHS, FEDERAL BUREAU OF INVESTIGATION, SUSAN FRIMPONG, SCOTT S. HARRIS, JEFFERY R. HOWARD, WILLIAM J. KAYATTA, JR, SANDRA L. LYNCH, MARA SILVER, LEO T. SOROKIN, O. ROGERIEE THOMPSON, U.S. DEPARTMENT OF JUSTICE, CHRISTOPHER A. WRAY, WILLIAM G. YOUNG. (Weiner, Blake) (Entered: 12/20/2021)
12/20/2021	<u>128</u>	MOTION for Leave to File SURREPLY to re <u>127</u> Reply to opposition to Motion, <i>for Leave to Submit Sur-Reply</i> filed by BAHIG BISHAY. (BISHAY, BAHIG) Modified docket event/text on 12/20/2021 (zeg). (Entered: 12/20/2021)
12/20/2021		NOTICE OF ERROR re <u>128</u> Surreply; emailed to bfbishay@earthlink.net, cc'd 39 associated attorneys -- The PDF file you docketed contained errors: 1. Leave to file not yet requested and/or granted (zeg,) (Entered: 12/20/2021)
12/20/2021	<u>129</u>	MOTION for Leave to File <i>Sur-Reply</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 12/20/2021)
12/30/2021	<u>130</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to BANK OF AMERICA, N.A.. Attorney Adam Lee Shaw terminated. (Shaw, Adam) (Entered: 12/30/2021)
01/21/2022	<u>131</u>	ORDER advising Plaintiff to respond to the <u>47</u> , <u>109</u> , <u>117</u> , and <u>119</u> motions to dismiss by February 11, 2022. If the Plaintiff does not respond, the Court may deem the motions conceded. Plaintiff's <u>57</u> Motion to Strike is also DENIED, and any entry of default as to Defendants Real Estate Growth Fund, Jonathan White, and Michael Giunta is set aside. See attached Order for details. Signed by Judge Trevor N. McFadden on 1/21/2022. (lctnm1) (Entered: 01/21/2022)

01/25/2022		Set/Reset Deadlines: Response due by 2/11/2022. (hmc) (Entered: 01/25/2022)
01/31/2022	<u>132</u>	Memorandum in opposition to re <u>119</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> , <u>109</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> , <u>47</u> MOTION to Dismiss , <u>117</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 01/31/2022)
02/01/2022	<u>133</u>	REPLY to opposition to motion re <u>119</u> MOTION to Dismiss filed by REAL ESTATE GROWTH FUND, LLC. (Attachments: # <u>1</u> Exhibit)(Parrott, Steven) Modified docket link/text on 2/8/2022 (zeg). (Entered: 02/01/2022)
02/04/2022	<u>134</u>	REPLY to opposition to motion re <u>119</u> MOTION to Dismiss filed by MECHANICS COOPERATIVE BANK. (Parrott, Steven) Modified docket link/text on 2/8/2022 (zeg). (Entered: 02/04/2022)
02/04/2022	<u>135</u>	REPLY to opposition to motion re <u>119</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by JONATHAN D. WHITE. (Vernick, Andrew) (Entered: 02/04/2022)
02/10/2022	<u>136</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to LAWRENCE GREEN. Attorney Bryant Steven Green terminated. (Roswell, Craig) (Entered: 02/10/2022)
03/01/2022	<u>137</u>	MEMORANDUM OPINION re: Clerk-Defendants' <u>118</u> Motion to Dismiss; Plaintiffs' <u>128</u> & <u>129</u> Motions for Leave to File Sur-Reply; Plaintiffs' <u>65</u> & <u>94</u> Motions for Default Judgment; Plaintiffs' <u>56</u> & <u>93</u> Motions for Entry of Default; the <u>72</u> Motion to Set Aside Default; and Plaintiffs, <u>79</u> , <u>89</u> , and <u>92</u> Motions to Strike. Signed by Judge Trevor N. McFadden on 3/1/2022. (lctnm3) (Entered: 03/01/2022)
03/01/2022	<u>138</u>	ORDER. For the reasons stated in the <u>137</u> Memorandum Opinion, the Clerk-Defendants' <u>118</u> Motion to Dismiss is GRANTED; Plaintiffs' <u>128</u> & <u>129</u> Motions for Leave to File Sur-Reply are DENIED; Plaintiffs' <u>65</u> & <u>94</u> Motions for Default Judgment are DENIED; Plaintiffs' <u>56</u> & <u>93</u> Motions for Entry of Default are DENIED; Plaintiffs' <u>79</u> , <u>89</u> , and <u>92</u> Motions to Strike are DENIED; and the <u>72</u> Motion to Set Aside Default is GRANTED and any default is set aside as to Conn Kavanaugh Rosenthal Peisch & Ford. See attached Order for details. Signed by Judge Trevor N. McFadden on 3/1/2022. (lctnm3) (Entered: 03/01/2022)
03/04/2022	<u>139</u>	MOTION to Alter Judgment as to <u>137</u> Memorandum & Opinion , MOTION to Modify <i>and for Findings and Conclusions under Rule 52(b) of the Fed.R.Civ.P.</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 03/04/2022)
03/04/2022	<u>140</u>	MOTION to Set Aside <i>Order dated March 1, 2022, ECF No. 138</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 03/04/2022)
03/04/2022	<u>141</u>	MOTION to Set Aside <i>Corrected Rule No. "59 (e)"; not 58(e)</i> by BAHIG BISHAY. (BISHAY, BAHIG) (Entered: 03/04/2022)
03/09/2022		MINUTE ORDER denying the <u>139</u> Motion to Alter Judgment & the <u>141</u> Motion to Set Aside. Plaintiffs have not shown good cause warranting alteration of the Court's previous judgment. For the reasons stated in the Court's <u>138</u> Order, the Plaintiffs' motions are DENIED. SO ORDERED. Signed by Judge Trevor N. McFadden on 3/9/2022. (lctnm1) (Entered: 03/09/2022)
03/10/2022	<u>142</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to Order on Motion to Alter Judgment,, Order on Motion to Modify,, Order on Motion to Set Aside,, <u>138</u> Order on Motion to Dismiss,, <u>137</u> Memorandum & Opinion, by BAHIG BISHAY. Filing fee \$ 505, receipt number ADCDC-9097295. Fee Status: Fee Paid. Parties have been notified. (BISHAY, BAHIG) (Entered: 03/10/2022)
03/11/2022	<u>143</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and

		Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>142</u> Notice of Appeal to DC Circuit Court,. (zeg) (Entered: 03/11/2022)
03/17/2022	<u>144</u>	NOTICE of Rule 8 of the Fed.R.App.P. Motion filed in U.S. Appeals Court, DC Cir. by BAHIG BISHAY re <u>138</u> Order on Motion to Dismiss,, <u>137</u> Memorandum & Opinion, <u>142</u> Notice of Appeal to DC Circuit Court, (BISHAY, BAHIG) (Entered: 03/17/2022)
04/15/2022	<u>145</u>	ENTERED IN ERROR.....Appellant's BRIEF by BAHIG BISHAY. Appellee Brief due by 4/29/2022. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Appendix)(BISHAY, BAHIG) Modified on 4/19/2022 (zeg). (Entered: 04/15/2022)
04/19/2022		NOTICE OF ERROR regarding <u>145</u> Appellant's Brief. The following error(s) need correction: Incorrect court header/case caption/case number. Please file in correct Court. (zeg) (Entered: 04/19/2022)
04/19/2022	<u>146</u>	ENTERED IN ERROR.....NOTICE NO ERROR; THESE THREE DOCUMENTS WERE/ARE INTENTIONALLY FILED IN THIS COURT, AS SERVICE MADE ON PARTIES NOT REGISTRED IN THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, CONCERNING THIS COURT'S CIVIL ACTION NO. 1:21-CV-01831-TNM by BAHIG BISHAY re Order on Motion to Alter Judgment,, Order on Motion to Modify,, Order on Motion to Set Aside,, <u>138</u> Order on Motion to Dismiss,, <u>137</u> Memorandum & Opinion, (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Appendix)(BISHAY, BAHIG) Modified on 4/28/2022 (zeg). (Entered: 04/19/2022)
04/27/2022	<u>147</u>	ENTERED IN ERROR.....NOTICE OF RELATED CASE by BAHIG BISHAY. Case related to Case No. 20-5060, USCA-DC. (BISHAY, BAHIG) Modified on 4/28/2022 (zeg). (Entered: 04/27/2022)
04/29/2022		NOTICE OF ERROR regarding <u>146</u> Notice (Other),, <u>147</u> Notice of Related Case. The following error(s) need correction: Incorrect court header/case caption/case number. Other- Any documents filed in this court must contain this court's header, case caption and case number; Please refile as attachments to a Notice of Filing. (zeg) (Entered: 04/29/2022)
04/29/2022	<u>148</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by BAHIG BISHAY re <u>147</u> Notice of Related Case NO ERROR, the document docketed in this Court is docketed for the limited purpose of "serving" parties to Civil Action No. 1:21-cv-01831-TNM, who failed to register in the related matter now pending in the U.S. Court of Appeals for the DC Cir., No. 22-5060. (BISHAY, BAHIG) Modified on 4/29/2022 (zeg). (Entered: 04/29/2022)
04/29/2022		NOTICE OF ERROR regarding <u>148</u> Certificate of Service,. The following error(s) need correction: Incorrect court header/case caption/case number. Other- Documents filed in the USCA are not permitted to be filed in this Court for the purposes (limited or otherwise) of service. See FRAP 25(b)(i) for acceptable forms of service of documents. Moreover, documents filed in this Court must be in compliance with this Courts Local Rules. If they are not, they are ENTERED IN ERROR. See LCvR 5.1(d) and 5.1(g). Do not refile the referenced document in this case unless it as an attachment to a Notice of Filing that complies with this Courts Local Rules. (zeg) (Entered: 04/29/2022)
05/11/2022	<u>149</u>	NOTICE OF FILING IN A RELATED MATTER by BAHIG BISHAY (BISHAY, BAHIG) (Entered: 05/11/2022)
05/27/2022	<u>150</u>	MOTION to Clarify re <u>137</u> Memorandum & Opinion, by JONATHAN D. WHITE. (Attachments: # <u>1</u> Text of Proposed Order)(Vernick, Andrew) (Entered: 05/27/2022)
05/27/2022	<u>151</u>	MOTION to Clarify re <u>137</u> Memorandum & Opinion, by BANK OF AMERICA, N.A.. (Blaemire, Jessica) (Entered: 05/27/2022)

05/31/2022		<p>RESOLVED.....NOTICE of Provisional Status re <u>150</u> MOTION to Clarify (Vernick, Andrew).</p> <p>Your attorney renewal has not been received. As a result, your membership with the U.S. District & Bankruptcy Courts for the District of Columbia is not in good standing, and you are not permitted to file. Pursuant to Local Civil Rule 83.9, you must immediately correct your membership status by following the appropriate instructions on this page of our website: https://www.dcd.uscourts.gov/attorney-renewal.</p> <p>Please be advised that the presiding judge in this case has been notified that you are currently not in good standing to file in this court. Renewal Due by 6/7/2022. (znm) Modified on 5/31/2022 (znm). (Entered: 05/31/2022)</p>
06/02/2022		<p>MINUTE ORDER denying the <u>150</u> and <u>151</u> Motions to Clarify. As the Court previously explained in its <u>137</u> Memorandum Opinion and <u>138</u> Order Granting Motion to Dismiss, this case has been dismissed in its entirety. There are no remaining claims as to any defendant and therefore clarification of the Court's previous Order is unnecessary. SO ORDERED. Signed by Judge Trevor N. McFadden on 6/2/2022. (lctnm1) (Entered: 06/02/2022)</p>
06/04/2022	<u>152</u>	<p>NOTICE OF RELATED CASE by BAHIG BISHAY. Case related to Case No. 22-5060, U.S. Ct.App, DC Cir.. (BISHAY, BAHIG) (Entered: 06/04/2022)</p>

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