No. 23-595

IN THE
SUPREME COURT OF THE UNITED STATES

PETER R. HALL,
Petitioner

v.

MICHAEL J. GEOFFREY FULTON, DAVID H. YOUNG, MAXON R. DAVIS, LLOYD HICKMAN, OLA JUVKAM-WOLD, and MARITEK CORPORATION,
Respondents

On Petition for a Writ of Certiorari
to the Supreme Court of Delaware

PETITION FOR A WRIT OF CERTIORARI

Peter R. Hall,
12 Park Avenue
London NW11 7SJ
United Kingdom
011 44 20 8458 7005
Email: ph@seacrystal.com

QUESTION PRESENTED

When a Delaware court has ruled that a Delaware company committed "a clear act of fraudulent concealment" on a foreign court and has also ruled there exists prima facie evidence of lawyer fraud, and the rulings result in the company's admitting 4 misrepresentations to the foreign court and the facts of a violation of the Foreign Corrupt Practices Act ("FCPA") and in lawyers at Delaware's largest law firm admitting 2 misrepresentations which concealed the company's 4, do this Court's rulings on Rule 56, and the U.S.'s treaties, allow a Delaware judge to rule *sua sponte* (with no notice, no opportunity to present evidence, no mention of an undisclosed $85,000 payment, no mention that 7 days earlier he had reviewed emails showing those lawyers' organization of the "clear act of fraudulent concealment", no mention that under Delaware law fraudulent concealment implies misrepresentation, and no mention of the 6 admitted misrepresentations), that "no misrepresentation occurred" and that there should be no "further investigation", given that his rulings give U.S. lawyers impunity for, and deny foreigners remedy for, admitted U.S. fraud by preventing a trial at which documents would prove that the lawyers concealed their misrepresentations from French anti-money laundering authorities by non-disclosure, in breach of the FCPA, of an $85,400 payment to an offshore court officer?

PARTIES INVOLVED

The parties involved are identified in the style of the case.

TABLE OF CONTENTS

Table Of Authorities

Page(s)

Cases

Constitutional and Statutory Provisions

Other Authorities

Petition for a Writ of Certiorari

Petitioner Peter R. Hall respectfully petitions for a writ of certiorari to review the judgment of the Delaware Supreme Court at Appendix A.

Opinions Below

The opinion of the Delaware Supreme Court appears at Appendix A (a.1 - a.11) in the appendix to this Petition.

The opinion of the Delaware Court of Chancery appears at Appendix B (a.12- a.17) in the appendix to this Petition.

Statement Of Jurisdiction

The jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1257 to review the final judgment of the Supreme Court of Delaware delivered on August 21, 2023. The Petition is timely filed.

Relevant Constitutional and Statutory Provisions

The Due Process Clause of the Fourteenth Amendment to the Constitution provides in relevant part that no "State [shall] deprive any person of [ ] property, without due process of law."

15 U.S.C. § 78m(b)(2)(A)) (the Books and Records provision of the FCPA) requires issuers to

"make and keep books, records, and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer."

18 U.S.C. § 1512 18 USC 1512 provides "Whoever [ ] corruptly persuades another person [ ] with intent to (1) influence [ ] the testimony of any person in an official proceeding [ ] shall be fined under this title or imprisoned not more than 20 years, or both"

18 U.S.C. § 1519 provides "Whoever knowingly alters [ ] conceals [ ] falsifies, or makes a false entry in any record, document [ ] with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States...shall be fined under this title, imprisoned not more than 20 years, or both."

Federal Rule of Civil Procedure 56 (f) provides "JUDGMENT INDEPENDENT OF THE MOTION. After giving notice and a reasonable time to respond, the court may [ ](3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute."

STATEMENT OF THE CASE

(a) Lawmaker Trustees discover misrepresentation

Note on Lawmaker Trustees. This Petition arises from a contempt action brought in 2018 by Petitioner in Delaware's Chancery court on behalf of the Lawmaker Trustees of the Long Island 11th November 2004 Trust, an anti-corruption trust ("the Trust"). A733, A751. Petitioner brings this Petition as trustee for the Lawmaker Trustees because the Chancery court declared it would make orders that he had brought the contempt action for the Trust and had no private interest in the action (A770). The Chancery court also referred, in orders, to his interest as being that of "Administrative Trustee of the Lawmaker Trustees" (A1169). Delaware's Supreme Court did not countermand those orders. US lawyers twice withheld representation to impede disclosure of two elements of US fraud on foreigners. The first set withdrew (see A766) when Petitioner disclosed the $85,400 payment to the offshore officer Mrs. Lee for false testimony which had deceived the French anti-money laundering authorities (see A733-758). The second set withdrew (see A1171) when Petitioner disclosed the emails (at A1085-1135) showing that directors of Delaware's largest law Richards, Layton and Finger ("RLF") had organized concealment from courts of the initial, annotated versions of the falsified board minutes (what the judge ruled "a clear act of fraudulent concealment". A418). Petitioner makes this application *pro se* to overcome the impeding, by U.S. lawyers' withdrawal of representation, of a public hearing of admitted evidence of U.S. lawyers' fraud on

foreigners. The Chancery judge's denial of a hearing, by a procedure which Delaware's Supreme Court dubbed "unusual" (a.9, n. 29), continued U.S. lawyers' impeding. Having overcome the withdrawal-impeding by this *pro se* presentation, Petitioner will retain counsel to represent the Lawmaker Trustees in the hearing which, Petitioner respectfully submits, is needed to comply with international law.

----o0o----

In 2007 Respondents produced to a Bahamian trial court, and to U.S. and Chinese[1] shareholders of the Delaware company Maritek in a Delaware Chancery court action *Wang v. Fulton et al.*, C.A. No. 3409-VCL (Del Ch.) involving the same defendants as in this action, a single draft of minutes ("the Minutes") of a June 7, 2005 Maritek board meeting ("the Meeting"). The single draft is at A95-103.

The single draft appeared to show that respondent Fulton, a controlling director of Maritek, had informed Maritek's independent directors at the Meeting that the former board had never entered into an agreement ("the Hall Agreement") to sell the company's Bahamian land to Petitioner's group at an arm's-length price conditionally on the electoral approval required by Bahamian law. The minutes appeared to show the independent directors had

[1] See A200 (Respondents' citation of Delaware Superior Court opinion about Chinese plaintiffs). See statement of lawyer of Maritek's former board's that she held $50,00 (part of the $85,400 payment) in trust for completion of the Hall Agreement "on behalf of [ ] the Chinese". A1403

accepted the truth of Fulton's information, had authorized their agents to testify that the former board had rejected a "Hall Offer", and had authorized Fulton and his fellow controlling director, Young, to acquire the land for themselves by obtaining a declaration in The Bahamas voiding the Hall Agreement on the basis that Maritek had never entered into it.

In 2008 the Bahamian court ruled in favor of Respondents. It accepted the account in the single draft of the Minutes. The account had matched that given by the former board's Bahamian lawyer, Mrs. Lee, an official on the Judicial Appointments Commission[2]. The court declared that Petitioner and a witness for the French anti-money laundering authorities (whose duties included preventing use of Crédit Agricole for money laundering) had both "misle[d]" the court (A734; A799; A1389).

After the Bahamian trial, evidence was leaked to the Lawmaker Trustees that the single draft was not the only one. In 2008 the Chancery court ordered (see Admitted Misrepresentation 2, at page 9 below) Respondents to produce "all drafts" of the Minutes to the shareholders' court including those "previously withheld as privileged" ("the 2008 Order"). Respondents produced drafts which corroborated the

[2] In breach of the books-and-records requirement of the FCPA Respondents omitted to record the minutes alterations and their heightened due-diligence enquiries about officials to whom the paid money: see, e.g., A824-9 (FCPA due diligence enquiries on officials of Judicial Appointments Commission, etc.); A1406 (U.S. State Department Bahamas report "officials engaged in corrupt practices with impunity")

account in the single draft, but which proved Respondents' disclosure affidavit in the Bahamian trial had been false by omission. It had not disclosed the existence of earlier drafts by listing them as privileged (see "Six Facts of Non-belief" in privilege at page 26 below). In 2014 the Chancery court ordered Respondents to produce "all drafts" to Petitioner for use in his appeal to the Privy Council ("the 2014 Order"). (Order at A137)

After the Privy Council hearing, yet further drafts of the Minutes emerged. They were Siegman's two initial drafts, carrying Fulton's and Young's lawyer's annotations. The Privy Council had accepted the truth of Fulton's evidence ("the Fulton Affidavit", at A227-231) that no other drafts existed. The first draft ("Annotated Minutes v1", at A1221-1228) carries Fulton's handwritten comments confirming the accuracy of Siegman's initial account. The second draft ("Annotated Minutes v2", at A259-269) carries the capitalized comments of Young's lawyer Carmichael who had, with Young, attended the Meeting, re-confirming the accuracy of the initial account. See Admitted Misrepresentations 1-4, at pages 7-11 below.

Again, the two drafts had not been listed as privileged in the shareholders' action, the Bahamian action, or the Privy Council appeal. Paralleling the Fulton Affidavit's false assurances to the Privy Council that no further drafts existed, RLF had given the same false assurances in the U.S.: see Admitted Misrepresentations 5-6 at pages 16 and 17, below.

The account in Annotated Minutes v1 and v2 is the same as the one Petitioner and the witness for the French anti-money laundering authorities gave to the Bahamian court. The two annotated minutes (and further documents withheld in admitted breach of the 2008 Order and so of the 2014 Order[3]) prove that Respondents and RLF lawyers conspired to falsify the Minutes (breach of 15 U.S.C. § 78m(b)(2)(A) FCPA books-and-records provisions) and to conceal the falsifications with false statements to courts (breach of 18 U.S.C. § 1519) and a $85,400 bribe for false testimony affecting a SEC-supervised company (breach of 18 U.S.C. § 1512).

The truth, which the above crimes concealed, is set out under the heading "Common meaning in documents in the 2005 SEC filing" at page 20 below.

(b) Delaware company admits four misrepresentations to Privy Council

Admitted Misrepresentation 1

In the Fulton Affidavit Respondents represented to the Privy Council that they did not possess drafts of the Minutes other than those they had produced in response to the 2014 Order (which permitted their use in the Privy Council appeal: A138):

> "For convenience, I now attach (at pages 17 to 65) copies of all the versions of the Minutes available to me" (A230) [Emphasis added]

[3] Respondents have admitted further misrepresentations: see A639-660 and A1935-1967. For brevity, only Admitted Misrepresentations 1-6 are listed in this Petition.

In March 2019 the Chancery ruled this falsehood a "clear act of fraudulent concealment" (A418).

Respondents have now admitted they possessed, but did not produce in response to the 2014 Order, Annotated Minutes v1 and Annotated Minutes v2:

> REQUEST NO. 83: Admit that the document produced in this action bearing Bates-stamp numbers MAR0000124 through MAR0000131 [A1221-28: "Annotated Minutes v1"] is a true and correct copy of a Draft of the Meeting Minutes containing certain handwritten notes (the "APS v1 Minutes with Handwritten Notes"). RESPONSE: [ ] Admitted. REQUEST NO. 86: Admit that, in April 2014, You possessed a copy of the APS v1 Minutes with Handwritten Notes RESPONSE: [ ] Admitted.[ ] REQUEST NO. 85: Admit that Defendants did not produce, in response to the April 2014 Order, a copy of the APS v1Minutes with Handwritten Notes. RESPONSE: [ ] Admitted. [A1955-6]
>
> REQUEST NO. 28: Admit that the document produced in this action bearing Bates-stamp numbers MAR0003230 through MAR0003240 [A1903-1913; "Annotated Minutes v2" with 'in fact entered into' at A1904] is a true and correct copy of the document attached to the 6/28/05 6:35 PM Carmichael-Siegman Email. RESPONSE: [ ] Admitted. REQUEST NO. 29: Admit that Defendants did not produce, in response to the April 2014 Order, a copy of the 6/28/05 6:35 PM Carmichael-Siegman Email.

RESPONSE: [ ] Admitted. REQUEST NO. 30: Admit that, in April 2014, You possessed a copy of the 6/28/05 6:35 PM Carmichael-Siegman Email, including its attachment. RESPONSE: [ ] Admitted

Admitted Misrepresentation 2

The Fulton Affidavit represented that Respondents had complied with the 2008 Order for production of "all drafts" of the Minutes to the shareholders:

> "The various versions of the draft Minutes were subsequently produced in the Delaware action, in accordance with instructions of Delaware counsel, because the transactions the subject of the 7th June 20[05] Board meeting were at the heart of the Delaware action". (A231 ¶ 23)

Respondents have now admitted they did not produce Annotated Minutes v1 and v2 to the shareholders in response to the 2008 Order's requirement that they produce "all drafts":

> REQUEST NO. 2: Admit that, in "Plaintiffs' First Request for Production of Documents" in the Wang Litigation, the Wang Plaintiffs requested that Defendants produce, among other things, all drafts of minutes of the Meeting in Defendants' possession, custody, or control. RESPONSE: [ ] Admitted. [A639] REQUEST NO. 16: Admit that the June 27, 2008 Order required Defendants, among other things, to produce forthwith all non-privileged documents in Defendants' possession responsive to "Plaintiffs' First Request for

Production of Documents". RESPONSE: [ ] Admitted. Respondents admitted the 2008 Order had not allowed them to withhold the documents on grounds of privilege:

REQUEST NO. 17: Admit that the June 27, 2008 Order required Defendants, among other things, to produce forthwith all documents Defendants had previously withheld as privileged relating to the preparation and drafts of the minutes of the Meeting. RESPONSE: [ ] Admitted. A643. (Emphasis added.) (A643) REQUEST NO. 23: Admit that Defendants did not produce to the Wang Plaintiffs in the Wang Litigation a copy of any of the following documents: (a) the document included in the Exhibit to the Fulton Affidavit bearing, in the bottom right-hand corner, page numbers 26 through 36 ["Annotated Minutes v2" at A259-269] [ ] (o) the document produced in this action bearing Bates-stamp numbers MAR0000124 through MAR0000131 ["Annotated Minutes v1" at A1221-28] [A645-6]. [ ] RESPONSE: [ ] Defendant admits that [ ] documents (a)-(c) and (e)-(w) were not produced to the Wang Plaintiffs [A647](emphasis added)

Admitted Misrepresentation 3

The Fulton Affidavit represented that Respondents did not possess the first draft of the Minutes because it had never been circulated.

"12. The Minutes were taken at the meeting by Mr. Siegman. I understand that he prepared a first draft on 10th June 2005, although I

believe (from speaking to him) that this first draft was not circulated. (A229 ¶12).

Defendants have now admitted the falsity of this representation by admitting the handwritten comments on Annotated Minutes v1 were Fulton's and that they possessed this draft at the time of the 2014 Order but did not produce it:

> REQUEST NO. 84: Admit that the handwritten notes on the APS v1 Minutes with Handwritten Notes were written by Defendant Fulton. RESPONSE: [ ] Admitted. REQUEST NO. 85: Admit that Defendants did not produce, in response to the April 2014 Order, a copy of the APS v1 Minutes with Handwritten Notes. RESPONSE: [ ] Admitted. REQUEST NO. 86: Admit that, in April 2014, You possessed a copy of the APS v1 Minutes with Handwritten Notes. RESPONSE: [ ] Admitted. (A1956-7).

Admitted Misrepresentation 4

The Fulton Affidavit represented that on June 28, 2005, Carmichael had returned to Siegman a draft referring to a "Hall Offer" (Respondents had produced this draft in response to the 2008 and 2014 Orders):

> "Mr. Carmichael made some comments on the document in capitals and returned it in this form to Mr. Siegman, who forwarded the revised copy to me, by email (pages 7-8). These were the Minutes referred to by the Appellant as 'an altered version 2'. (A229)

Respondents have now admitted that the version Carmichael had actually returned was the withheld Annotated Minutes v2 in which Carmichael had commented in capitals "this [Hall] Agreement was in fact entered into":

> REQUEST NO. 28: Admit that the document produced in this action bearing Bates-stamp numbers MAR0003230 through MAR0003240 [A1903-1913, with "in fact entered into" comment at bottom of A1904] is a true and correct copy of the document attached to the 6/28/05 6:35 PM Carmichael-Siegman Email. [ ] Admitted. (A1942)

(c) Delaware company admits facts of FCPA books-and-records breach

In *United States v. Jensen,* 532 F. Supp. 2d 1187,1196 (N.D. Cal. 2008) the District Court for the Northern District of California considered whether falsification of board minutes was a violation of the "books and records" statute. It decided it was.

> "In this case, a person of ordinary intelligence would be able to determine that helping to create false committee meeting minutes that have the effect of understating corporate expenses constitutes the falsification of a record that "reflect[s] the transactions and dispositions of the assets of the issuer." 15 U.S.C. § 78m(b)(2) (A)."

The "ordinary intelligence" test is objective, consistently with this Court's upholding of objective

contempt tests (see discussion of *Taggart* and *IBP,* below).

The *Jensen* court approved a broad FCPA reading:

> "Jensen argues that unless the government is required to prove that a defendant intended to impact a securities filing of some kind, the Books & Records statute will reach conduct that Congress never intended to criminalize. However, as a careful review of the Foreign Corrupt Practice Act's (FCPA) legislative history reveals, Jensen's interpretation of the books of records statute is too miserly and would unduly restrict the reach of the Books & Records provision."

The Second and Ninth Circuits have considered the meaning of "falsify" in § 1519:

> "A defendant can make false representations both by modifying an existing document in a way that obscures the truth, and by creating a fabricated document from whole cloth."

United States v. Gonzalez, 906 F. 3d 784, 794-6 (9th Cir. 2018 citing *United States v. Rowland,* 826 F.3d 100 (2d Cir. 2016),

Under the Second and Ninth Circuits' broad "obscuring the truth" interpretation of § 1519 Respondents and their lawyers "falsified" the Minutes.

The *Resource Guide to the U.S. Foreign Corrupt Practices Act* by the Criminal Division of the DOJ and the Enforcement Division of the SEC ("the *FCPA Resource Guide*") states at pages 43-44:

> "Companies (including subsidiaries of issuers) and individuals may also face civil liability for aiding and abetting or causing an issuer's violation of the accounting provisions. [ ] Criminal liability can be imposed on companies and individuals for knowingly failing to comply with the FCPA's books and records or internal controls provisions"

Under these standards the RLF lawyers were aiding and abetting the Minutes falsification. RLF deceived the shareholders' court, while Respondents deceived the Privy Council by the Fulton Affidavit.

> INTERROGATORY NO. 25: If You contend that You fully complied with the April 2014 Order, then identify and describe all facts supporting Your contention. [ ] AMENDED RESPONSE TO INTERROGATORY NO. 25:[ ] Defendant was required to "produce to Mr. Hall the following documents that had been produced by defendants to plaintiffs" in the [] Wang Action [] The 2016 Drafts were not produced in the Wang Action and therefore they were not implicated by the April 2014 Order. [A561-2]

Respondents admitted the fraud on the shareholders' court:

> REQUEST NO. 20: Admit that, after the Wang Plaintiffs filed "Plaintiffs' Second Motion to Compel," Defendants represented to the Wang Plaintiffs that Defendants would produce all drafts of the minutes of the Meeting in their possession, custody, or control, to the extent

> Defendants had not already done so. RESPONSE: [ ] Admitted.[A644] REQUEST NO. 23: Admit that Defendants did not produce to the Wang Plaintiffs in the Wang Litigation a copy of any of the following documents: (a) the document included in the Exhibit to the Fulton Affidavit bearing, in the bottom right-hand corner, page numbers 26 through 36 ["Annotated Minutes v2" at A259-269] [ ] (o) the document produced in this action bearing Bates-stamp numbers MAR0000124 through MAR0000131 ["Annotated Minutes v1" at A1221-28] [A645-6]. [ ] RESPONSE: [ ] Defendant admits that [ ] documents (a)-(c) and (e)-(w) were not produced to the Wang Plaintiffs [A647]

Respondents have therefore admitted the facts of the violation of the FCPA's books-and-records provision, and the facts of the aiding-and-abetting concealment of that crime. Ms. Jensen committed only one crime.

The conspiracy was a two-pronged one: false statements, and omission to disclose documents showing the falsity of the statements. The draft of the Minutes presented to the Bahamian court contained false statements; Respondents and their RLF lawyers withheld the two initial, annotated drafts. The *FCPA Resource Guide* indicates both prongs are criminal. Evidence in the hands of foreign authorities shows lawyers repeatedly used the two-pronged technique over 15 years to impede, by means

of their court offices, production of evidence of crime, culminating, objectively, in the false statement "no misrepresentation occurred" and concealment of its falsity by omission of facts in breach of due process.

(d) U.S. lawyers admit two misrepresentations

Admitted Misrepresentation 5.

Respondents have admitted (in Responses signed by DiCamillo, a director of RLF) that they, through their counsel (DiCamillo) had misrepresented to the shareholders' court they would produce "all drafts" of the Minutes to it:

> "REQUEST NO. 16: Admit that the June 27, 2008 Order required Defendants, among other things, to produce forthwith all non-privileged documents in Defendants' possession responsive to "Plaintiffs' First Request for Production of Documents." RESPONSE: [ ] Admitted. [A643] REQUEST NO. 19: Admit that, in "Plaintiffs' Second Motion to Compel," the Wang Plaintiffs sought an order directing Defendants to produce, among other things, all drafts of the minutes of the Meeting. RESPONSE: [ ] Admitted. REQUEST NO. 20: Admit that, after the Wang Plaintiffs filed "Plaintiffs' Second Motion to Compel," Defendants represented to the Wang Plaintiffs that Defendants would produce all drafts of the minutes of the Meeting in their possession, custody, or control, to the extent Defendants had not already done so. RESPONSE: [ ] Admitted. [A644; emphasis added] REQUEST NO. 23: Admit that Defendants did not

produce to the Wang Plaintiffs in the Wang Litigation a copy of any of the following documents: (a) the document included in the Exhibit to the Fulton Affidavit bearing, in the bottom right-hand corner, page numbers 26 through 36 ["Annotated Minutes v2" at A259-269] [ ] (o) the document produced in this action bearing Bates-stamp numbers MAR0000124 through MAR0000131 ["Annotated Minutes v1" at A1221-28] [A645-6]. [ ] RESPONSE: [ ] Defendant admits that [ ] documents (a)-(c) and (e)-(w) were not produced to the Wang Plaintiffs [A647]

Admitted Misrepresentation 6.

Respondents have admitted (in Responses signed by DiCamillo) that their counsel (DiCamillo) personally misrepresented to the shareholders' court on June 20, 2008 that "all drafts" of the Minutes had been produced to it:

> REQUEST NO. 2: Admit that, in "Plaintiffs' First Request for Production of Documents" in the Wang Litigation, the Wang Plaintiffs requested that Defendants produce, among other things, all drafts of minutes of the Meeting in Defendants' possession, custody, or control. RESPONSE: [] Admitted. [A639; emphasis added] REQUEST NO. 13: Admit that, at the June 20, 2008 Hearing, Defendants' counsel represented to the Wang Court that, following the hearing, counsel would make sure that all non-privileged documents responsive to "Plaintiffs' First Request for Production of Documents" had

been produced. RESPONSE: [] Admitted. (A642) [ ] [For admission that Respondents did not produce Annotated Minutes v1 and v2 please see 13 lines beginning "REQUEST NO. 23:" in Admitted Misrepresentation 6, above]

(e) $85,400 paid to an offshore court officer conceals U.S. lawyers' two misrepresentations from French anti-money laundering authorities

After the Privy Council hearing in March 2015, Petitioner discovered Respondents had secretly[4] paid the former board's Bahamian lawyer Mrs. Lee $85,400[5] conditionally on her giving testimony at the Bahamian trial matching the account in the single version of the Minutes they had produced at that trial. Lee Escrow at A760-761. Mrs. Lee had ceased to be Maritek's lawyer in February 2004 (A989). Mrs. Lee's evidence in the Bahamian trial matched the Trial Minutes' account (A734 ¶ 3). Her testimony contradicted assurances she had given Petitioner[6] She admitted she had changed her story (A742 ¶ 2).

The $85,400 for false evidence was witness tampering under 18 USC s. 1512 ("Whoever [ ] corruptly persuades another person [to] withhold

[4] There is no reference to the payment in Respondents' disclosure affidavit in the Bahamian trial (A105-131)
[5] The $85,400 was made up of $35,400 in a "US$ escrow account" (A761) and $50,000 Petitioner had paid her and which she had assured him she was holding "on behalf of" the former board for completion of the Hall Agreement. A1403.
[6] See, *e.g.,* A1403 ("I'm holding [Petitioner's $50,000] on behalf of [Maritek] then really I have to send it to [Maritek] on closing.")

testimony, or withhold a record, document, or other object, from an official proceeding")

(f) U.S. judge rules "no misrepresentation occurred", breaching U.S.'s treaties

In October 2018 Petitioner brought an action in Delaware's Chancery court for contempt of its 2014 Order, which had required Respondents to produce "all drafts" of the Minutes to Petitioner for use in his Privy Council appeal. The 2014 Order is at A137-41.

On December 5, 2022 RLF produced unredacted copies of their 2008 emails ("the RLF Emails") to the Chancery judge for *in camera* review, without disclosing them to Petitioner. A1441. The redacted versions are at A1085-1135. An analysis of the subject headings of the redacted emails (at A1900-1901) shows RLF lawyers conspiring with Respondents' lead counsel DiCamillo, and with others directly involved in falsifying the Minutes, such as Fulton, Siegman and Carmichael, which drafts to withhold in response to the 2008 Order for production of "all drafts". Gentile was involved in the conspiracy: see A1900. Gentile and Zeberkiewicz, both RLF directors, had written the RLF Opinion: see their initials below the signature at A1067. The emailed discussions in 2008 were a second round of emailed discussions which had occurred in 2005.

The analysis of the 2005 round is at A1179-1183 (emails at A1185-1900) before Minutes falsified.
The analysis of the 2008 round is at A1900-1901 (emails at A1085-1135) after Minutes falsified.

Common meaning in documents in the 2005 SEC filing

In the 2005 round of emailed discussions, and as a result of them, four sets of corporate documents of a public company subject to SEC supervision were created. The public meaning of the words in the four sets of documents was common and undisputed in the objective sense that the authors of the four sets did not dispute their common meaning. The common meaning was that expressed in documents filed with the SEC in 2005 (A60-75).

First, Maritek's controlling directors Fulton and Young and Maritek's lawyers informed RLF lawyers of the facts in documents filed with the SEC (A60-75, with former board's filed letter agreement at A56-8 and "subject to an agreement with Peter Robert Hall" at A 56 and Fulton's signature under "Agreed" at A58).

Second, RLF advised the independent directors that they could authorize their agents to acknowledge those facts (RLF Opinion at A1051-67, with "each of Young and Fulton was aware that the Subsidiary had previously entered into the Peter Hall Agreement" at A1053).

Third, the independent directors passed resolutions authorizing their agents to execute documents acknowledging those facts (Annotated Minutes v1 at A1221-8, with Fulton's account to the independent directors that the former board had entered "into a land sale contract (the "Hall Agreement") with Peter Hall" at A1222 accompanied by his handwritten

comments, and the resolution approving the LIPL Agreement at A1227; Annotated Minutes v2 at A259-269 with capitalized comments of Young's lawyer Carmichael "this agreement was in fact entered into" at A260; see Admitted Misrepresentations 1-6 above for admissions that the Fulton Affidavit to the Privy Council had falsely represented that v1 had not been circulated and admission that the handwriting on Annotated Minutes v1 was Fulton's and for admissions of the falsity of the Fulton Affidavit's representations that Carmichael and Siegman had exchanged emails on June 28, 2005 attaching a disclosed draft denying the Hall Agreement and for admissions that on June 28 they had actually exchanged Annotated Minutes v2).

Fourth, the agents authorized by the resolutions executed documents acknowledging the Hall Agreement (A964-86, with, on the first page, "[signatories Fulton and Young] acknowledge that the said hereditaments and other lands owned by the Vendor are subject to a prior Agreement for Sale entered into between one Peter Hall..."). Ms. Kelly was the lawyer at Siegman's firm involved in SEC communications (see, e.g., A1596-7 with "KK" initials) and she drafted documents (see email involving her at A1481 attaching the drafts and her "KK" initials on the attached drafts) making the LIPL Agreement irrevocable (see, e.g. A1369-74, with reference to LIPL Agreement at A1369 and non-amendment clause at A1371; see also A1376-7 with reference to LIPL Agreement on first page).

Actual authority was a pivotal issue in the Privy Council appeal. A30. The Fulton Affidavit's false

statements that no further drafts existed was concealed by RLF's admitted withholding of Annotated Minutes v1 and v2 under admitted false statements to courts: see Admitted Misrepresentations 5-6. The Chancery court acknowledged the facts: "counsel withheld the two documents" (Opinion, a.15). The Privy Council accepted the fraudulent claim that Maritek's board had never authorized its lawyer to give the assurances on which Petitioner had relied to undertake the project ("the Hall-Eastman" project[7]) required for electoral approval of the Hall Agreement's completion.

In March 2005 Siegman made a 13D filing with the SEC (A60-75) in which he exhibited the former board's warranties[8]. In June 2005 he drafted Annotated Minutes v1 and v2. He altered them in October 2005, and concealed the two initial drafts (see Admitted Misrepresentations 1-4 above). The RLF Emails show him conspiring with RLF lawyers to produce the false versions in response to the 2008

[7] See e.g.A750-1, A1438 (Eastman Chemical Company project)

[8]The former board executed warranties at the offices of Siegman's Californian law firm, Greene, Radovsky, confirming they were selling their shares subject to the Hall Agreement "made on or about October 11, 2002". A56. Respondent Fulton countersigned the warranties. A58. The former board's Bahamian lawyer, Mrs. Lee, told Respondents the Hall Agreement was "so close to closing" and the "full deposit has been paid in escrow" (A989). Mrs. Lee continued to maintain this until trial as shown by tape recordings "You presumably checked the deposit arrangements and found them satisfactory—is that right? [Mrs Lee]: Yes, yes, I did." (A1026-1028)

Order—see, for example, August 2008 emails about "Delaware action document production" at A1093 to A1109.

Lawyers' fraud on the Privy Council and shareholders' court prevented review of the lawyers' fraud on the Bahamian court: *Moore v Harper* 600 U.S. __(2023) ("the concept of judicial review was so entrenched by the time the Court decided Marbury that Chief Justice Marshall referred to it as one of the society's "fundamental principles")

Common meaning of 2008 and 2014 Orders

RLF's lawyers held out publicly they had complied with the 2008 Order (see Admitted Misrepresentations 5-6) but privately were withholding Annotated Minutes v1 and v2 (see "counsel withheld the two documents" (Opinion, a.15)

Respondents' lead RLF counsel DiCamillo inserted the 11 words "that had been produced by defendants to plaintiffs in this action" in the stipulated 2014 Order (A1340; events described at A1186-7). Petitioner's counsel believed DiCamillo's representations he had complied with the 2008 Order's requirement for production of "all drafts". See Admitted Misrepresentations 5-6.

The two parties therefore had a common, objective understanding of the words "all drafts" on the basis of DiCamillo's public representations.

DiCamillo argued "[Annotated Minutes v1 and v2] were not produced in the Wang Action and therefore they were not implicated by the April 2014 Order" (A561; interrogatory response cited at page 14 above).

On this argument the parties would have had two different understandings about what "all drafts" meant: the public objective meaning for Petitioner, the private subjective meaning for DiCamillo.

International and Federal law are unequivocal: the meaning is the objective "common meaning".

In 2019 Petitioner's counsel made this point by referring to this Court's ruling in *Taggart*

> "Actually, the U.S. Supreme Court just addressed that issue earlier this term. If the conduct was objectively unreasonable, that's contempt. [DiCamillo's argument] only pushes the question back one level; right? Because then the question becomes, "Well, were defendants required to produce all drafts in the underlying Wang litigation?" (A571 & A594)

In 2019 the Chancery judge agreed: "[I] agree with the plaintiffs that this information is relevant to motive[ ]So I think it goes to intent."(Hr'g Tr A603)

So,under law of the case, RLF's conduct was "objectively unreasonable". Yet his opinion held it "reasonable" (a.15)

"Objectively unreasonable" is from *Taggartv.Lorenzen*, 139 S. Ct. 1795 (2019): the standard for contempt is

generally an objective one. ("We have explained before that a party's subjective belief that she was complying with an order ordinarily will not insulate her from civil contempt if that belief was objectively unreasonable.")

In re IBP S'holders Litig. v. Tyson Foods, 789 A.2d 14, 54-55 (Del. Ch. 2001) (Interpreting New York law) shows Delaware law is the same.("Contract terms themselves will be controlling when they establish the parties common meaning so that a reasonable person in the position of either party would have no expectations inconsistent with the contract language"). (emphasis added)

Delaware courts follow this Court's rulings in determining whether a fact is material. The District court in *Amgen Inc. v. Sanofi*, 405 F. Supp. 3d 506 (D.Del. 2019) cited *Scott v. Harris*, 550 U.S. 372 (2007) in support of its statement:

> "When determining whether a genuine issue of material fact exists, the court must view the evidence in the light most favorable to the non-moving party and draw all reasonable inferences in that party's favor."

Delaware's Chancery court accepts that the "no discretion" principle is mandatory. *Nuvasive, Inc. v Miles*, 2018 WL 4677607 (Del. Ch. 2018)

> "Summary judgment is appropriate when "there is no genuine issue as to any material fact" [ ] In discharging this function, the court must view the evidence in the light most favorable to the non-moving party." citing *Merill v. Crothall-American, Inc.*, 606 A.2d 96, 99–100 (Del. 1992).(Emphasis added)

In 2019 the Chancery judge had held that a "clear act of fraudulent concealment" had occurred (A418). Under Delaware law, occurrence of fraudulent concealment implies occurrence of misrepresentation:

> "To establish a *prima facie* case of intentional misrepresentation (fraudulent concealment), the following elements must be proven" (Emphasis added.)

Nicolet, Inc. v. Nutt, 525 A.2d 146 (Del. 1987)

The Delaware judges' rulings were contrary to the Delaware Supreme Court's own rulings. *McCarthy, In re* No. 229, 2017 (Del. 2017) concerned a Pennsylvania lawyer admitted *pro hac vice*. The Supreme Court ordered that the lawyer:

> "be disbarred for his intentional misconduct that included the failure to disclose altered medical records and the failure to disclose his client's fraudulent conduct and to correct her false testimony. The Board [on Professional Responsibility] concluded that the "Respondent's actions in this matter were at best dishonest and at worst criminal which resulted in actual and potential harm to the litigants, the judicial process and the public." (emphasis added)

Six Facts of Non-belief that Annotated Minutes v1 & V2 were Privileged

(i) Respondents have admitted the shareholders' court removed privilege from the two drafts: see Admitted Misrepresentation 2 at page 10, above.

(ii) RLF's non-belief in their privilege is shown by its having misrepresented to the shareholders' court that it had produced all drafts: see Admitted Misrepresentations 5-6 at pages 16-17 above.

(iii) RLF did not log the two drafts in the privilege log in the shareholders' court.

(iv) Respondents did not log the two drafts in the privilege section of its disclosure affidavit in the Bahamian court which is at A105-31[9]

(v) Respondents did not log the two drafts as privileged in the Privy Council

(vi) Respondents positively assured the Privy Council that no such further drafts existed[10]: the false

---

[9] A108 ("[n]either [Maritek] nor its Attorneys, nor any other person on its behalf, has now, or ever had, in their possession, custody or power any document relating to any matter in question in this action other than the documents enumerated [in the attached schedules]"). A122 (single version of Minutes described as "Directors resolution"). A123 (privileged documents described as "Confidential letters notes and documents between the Plaintiff and his Attorney for the purpose of giving and receiving advice on the matters in question in this action; and other correspondence and documents brought into existence solely for the purpose of this action")

[10] See paragraphs 20 (A230) and 23 (A231) Fulton Affidavit to Privy Council: "20. I now attach (at pages 17 to 65) copies of all the versions of the Minutes available to me [ ] 23. The various versions of the draft Minutes were subsequently produced in the Delaware action". See Admitted Misrepresentations 1-6 for admissions that Annotated Minutes v1 and v2 were not disclosed to the shareholders in response to the 2008 Order for disclosure of "all drafts" and for admissions about the Fulton

assurance the Chancery court ruled a "clear act of fraudulent concealment" (A418)

Four issues of material fact concealed by due-process breach (breach of U.S.'s treaties)

(i) Pro-U.S. lawyer claim: "no misrepresentation occurred" (Opinion, a.15). Unheard evidence for the foreign side: "Admitted Misrepresentations 1-6 occurred".

(ii) Pro-U.S. lawyer claim: "counsel withheld the two documents in the good faith belief that they were privileged" (Opinion, a.15). Unheard evidence for the foreign side: "See evidence under heading "Six Facts of Non-belief that Annotated Minutes v1 & V2 were Privileged""

(iii) Pro-U.S. lawyer claim: "Based on this record, it is clear at this point that the defendants complied with the Production Order" (Opinion, a.15). Unheard evidence for the foreign side: "See evidence under headings "Common meaning in documents in the 2005 SEC filing" and "Common meaning of 2008 and 2014 Orders""

(iv) Pro-U.S. lawyer claim: "defendants' conduct was reasonable and will not support a finding of contempt" (Opinion, a.15). Unheard evidence for the foreign side: "See evidence under headings "(c) Delaware company admits facts of FCPA books-and-records breach" and "(e) $85,400 paid to an offshore

---

Affidavit's false statements about Annotated Minutes v1 and v2.

court officer conceals U.S. lawyers' two misrepresentations from French anti-money laundering authorities.""

The use, by judges of Delaware's Chancery and Supreme Courts, of their judicial offices to prevent public hearing of material facts that fellow Delaware lawyers had defrauded foreigners was a violation of the U.S.'s treaties: objectively, the two-pronged crime.

This Court's rulings forbade the Delaware judges from concealing their fellow lawyers' fraud from foreign courts and anti-money laundering authorities. *McNally v. United States*, 483 U.S. 350, 371 (1987):

> "A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. (Emphasis added).

Reason for Granting the Writ

The reason for granting the writ is that a foreign court will otherwise decide whether the U.S. is, by using law to create false facts, engaging in state-sponsored misinformation.

The Lawmaker Trustees will present to a jury (of U.S., European, or Chinese citizens) the following undisputed evidence of the two-pronged crime.

(1) Undisputed evidence of U.S. fraud on foreigners

The evidence is at (b) above ("Delaware company admits four misrepresentations to Privy Council") at (c) above ("Delaware company admits facts of FCPA books-and-records breach") and at (e) above ("$85,400 paid to an offshore court officer conceals Delaware lawyers' two misrepresentations from French anti-money laundering authorities")

The documents containing evidence (b), (c) and (e) were created by the U.S. company and its lawyers. Hearing transcripts show that the company's lawyers and the Chancery judge did not dispute the meaning of the documents. The judgments of Delaware's Chancery and Supreme courts do not dispute the evidence at (b), (c) and (e) (they do not mention the evidence).

2) Undisputed evidence of U.S. officials' use of their justice-system positions to conceal U.S. fraud on foreigners

The evidence is at (d) above ("Lawyers [court officers] admit two misrepresentations") at (f) above ("Judge [a court officer] rules "no misrepresentation occurred")

Delaware's Supreme Court breached international law and due process by affirming a judgment which, objectively[11]:

[11] The Lawmaker Trustees accept that all U.S. court officers subjectively believed their conduct to have been good-faith.

1) breached Rule 56's notice and opportunity (*audi alteram partem*) requirements

2) breached Rule 56's "no discretion" (and *nemo judex in causa sua*) prohibition

3) used the above due-process breaches to conceal grant of impunity to U.S. citizens, and denial of remedy to foreign citizens, for U.S. impeding of justice to conceal falsity of statements to foreign courts.

1) Delaware's Supreme Court erred by breaching Rule 56's notice and opportunity (*audi alteram partem)* requirement

The Delaware Supreme Court's affirmation noted the Chancery court's dismissal procedure had been "unusual" and had not complied with the rules for summary judgment[12].

The procedural facts are that on November 3, 2022 the Chancery court made orders that Petitioner's confidential submission on lawyer fraud should be filed on December 1, 2022 (order at A1169-70; confidential submission at A1173-1201, with its exhibits A to Z at A1202-1428)). Also on November 3 the Chancery court ruled that Respondents should file, for its *in camera* review, unredacted copies of the RLF Emails (see RLF's letter of December 5, 2022 attaching the RLF Emails, referred to as "Exhibits Z-

[12] "The procedural posture of the court's final judgment was unusual. Hall seems to characterize it as a ruling on summary judgment [] [Respondents say] "The Court of Chancery effectively entered summary judgment" [underlining added] Appendix A, page 8, n.29.

2 and Z-3" atA1441. Exhibits Z-2 and Z-3, redacted, are at A1085-1135, with analysis of them at A1900). Seven days after receiving the unredacted emails, on December 12, without having communicated with Petitioner in any way, the Chancery made its *sua sponte* final order dismissing the case with prejudice (Appendix B).

Courts have power to enter summary judgment only if the losing party is "on notice that she had to come forward with all of her evidence" (*Celotex v Catrett*, 477 U.S. 317 (1986)); the court must review "all of the evidence in the record" (*Reeves v. Sanderson Plumbing Products* 530 U.S. 133 (2000) Syllabus); and it has "no discretion" to give summary judgment where there is a genuine issue as to any material fact (*Kennedy v Silas Mason Co.*, 334 US 249, 256-257 (1948)).

Delaware Court of Chancery Rule 12 states in part: "all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56." (emphasis added).

Delaware Court of Chancery Rule 56 (c) gives substance to Rule 12's requirement by specifying the notice period (10 days) and presentation method (affidavit): "The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits."

Delaware Court of Chancery Rule 56 (f) does not even contemplate that the court might breach the *audi alteram partem* requirement. ("Should it appear from

the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition").

This Court has made clear that compliance with due process is a precondition of summary judgment under Rule 56(f). *Anderson v. Liberty Lobby, Inc.,* 477 U.S. 242, 250-252 (1986):

> "In our analysis here, we assume that both parties have had ample opportunity for discovery. [ ] the judge must ask himself not whether he thinks the evidence unmistakably favors one side or the other, but whether a fair-minded jury could return a verdict for the plaintiff on the evidence presented"

The Fifth Circuit Court of Appeals has considered an "unusual" procedure. *Carver v Atwood* 18 F.4th 494 (5th Cir 2021):

> "We ask whether the court has the power to dismiss a case *sua sponte*, with prejudice, and without giving the plaintiff notice or an opportunity to respond. It does not. [ ] fairness in this context requires both notice of the court's intention and an opportunity to respond".

The Chancery judgment and Delaware's Supreme Court affirmation breached due process quadruply (1) no notice (2) no hearing of losing party's affidavit (3) no identification of undisputed facts (4) no review of the record's Admitted Misrepresentations 1-6, Six Facts of Non-belief in Privilege, Common Meaning of SEC Filings and Orders

The Chancery judge's breach of *Anderson's* mandatory due-process requirement ("must ask himself") was categoric. The Chancery judge did not get to the second stage of "ask[ing] himself" about the plaintiff's "evidence presented" (*Celotex*), for none had been presented—he had breached due process by omitting the first stage.

FRCP Rule 56 (f) twice uses the word "after" to indicate that compliance with due process (hearing the two sides' evidence) is a precondition of weighing the two sides' evidence in a specified manner (believing the other side's evidence)[13]. The Rules require logic (*tertium non datur*) as a precondition of their intelligibility.

2) Delaware's Supreme Court erred by affirming a Chancery judgment which breached Rule 56's "no discretion" (*nemo judex in causa sua*) prohibition

Breach of due process concealed issues of material fact: see "Four issues of material fact", above.

---

[13] FRCP Rule 56 (f):After giving notice and a reasonable time to respond, the court may [ ] (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

Reeves v. Sanderson Plumbing Products 530 U.S. 133,150 (2000) at 150:

> "in entertaining a motion for judgment as a matter of law, the court should review all of the evidence in the record. In doing so, however, the court must draw all reasonable inferences in favor of the nonmoving party".

The Chancery court had "no discretion" to enter judgment. *Kennedy v Silas Mason Co.*, 334 US 249, 256-257 (1948) ("It is established that [ ] there is no discretion to enter summary judgment where there is a genuine issue as to any material fact". Emphasis added.)

The Chancery court necessarily breached its duty to believe nonmovant's Admitted Misrepresentations 1-6 and Facts of Non-belief in Privilege, for its due-process breach meant it did not even get to that stage. *Tolan v. Cotton*, 572, 573 U.S. 650 (2014):

> "the Fifth Circuit failed to adhere to the axiom that in ruling on a motion for summary judgment, "[t]he evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in his favor."

The requirement to comply with due process as a precondition of justice (the *tertium non datur* principle) is in the Constitution (self-evident truth) and in the due process clause of the Fourteenth Amendment. The precondition of the U.S.'s treaties is that its judicial arm should not conceal the U.S.'s breaches of those treaties. RLF lawyers' conspiracy, and Delaware judges' concealment of it by due process breaches, resulted in

total loss to the Chinese (and U.S.) shareholders. The judges' own due process breaches concealed U.S. lawyers' removal of citizens' property by foreign judgments based on falsified evidence (lawyers' use of their court-officer positions to breach due process[14]).

3) **Delaware's Supreme Court erred by using judges' due-process breaches to conceal grant of impunity to U.S. lawyers, and denial of remedy to foreign citizens, for the lawyers' obstruction of justice and Minutes falsification.**

(i) Obstruction of justice

The RLF directors and Respondents obstructed justice in the Privy Council by falsifying the Minutes and concealing from the Privy Council the two initial drafts of the Minutes which showed the falsification.

Evidence for the obstruction is documented (see, e.g., RLF Emails at 1085-1135) admitted (see Admitted Misrepresentations 1- 6) and ruled on (the Chancery judge had, before seeing the RLF Emails, ruled the U.S. company had committed "fraudulent concealment" on the Privy Council. A418).

In *United States v. Gonzalez 906 F. 3d 784, 794-6* (9th Cir. 2018) the Ninth Circuit set out requirements

---

[14] In February 2015 Respondent Davis, a Montana lawyer who had attended the June 7, 2005 board meeting, wrote to Fulton and Young that private deal with Fulton and Young facilitated by the Bahamian judgment had resulted in total loss to the shareholders because Maritek was "insolvent": A749.

for a conviction of a justice-system officer under 18 U.S.C. § 1519:

> "Ayala not only failed to report the gross abuse of authority she and her colleagues had participated in; she affirmatively tried to cover up their wrongdoing by filing a false report."

Government treats abuse of authority as corruption for FCPA purposes. ("Corruption includes the abuse of authority or official position to extract personal gain.") FinCEN *Advisory on Kleptocracy and Foreign Public Corruption* April 14, 2022.

The conduct of Respondents' counsel was criminal on the Ninth Circuit's standard, so could not have been "reasonable" (Opinion, a.15). RLF directors are officers of the court.

First, the RLF directors "failed to report a gross abuse of authority" (*Gonzalez).* The abuse was the procuring by the conspirators of a Bahamian judgment, based on minutes whose falsification was concealed by a $85,400 bribe, that a witness for the French anti-money laundering authorities had "misle[d]" the court and that proceeds of fraud on a French bank and Chinese and other citizens were clean.

Second, the RLF directors "affirmatively tried to cover up their wrongdoing by filing a false report" (*Gonzalez*). Their Admitted Misrepresentations 5-6 to courts concealed the falsified Minutes and false testimony bought for $85,4000.

In terms of 18 U.S.C. § 1519 RLF directors and Respondents conspired"with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States". They did it by falsifying Minutes (15 U.S.C. § 78m(b)(2)(A) breach) and paying $85,400 for matching false testimony (18 U.S.C. § 1512 breach).

The *FCPA Resource Guide* shows SEC and DOJ prosecutors treat § 1519 as including obstruction of foreign, as well as domestic, justice:

> [§ 1519] prohibits altering, destroying, mutilating, concealing, or falsifying records, documents, or tangible objects with the intent to obstruct, impede, or influence a potential or actual federal investigation"

The *Gonzalez* court considered, and rejected, the claim that a "potential" federal investigation must be pending:

> "[I]t is enough for the government to prove that the defendant intended to obstruct the investigation of any matter as long as that matter falls within the jurisdiction of a federal department or agency."

The *Gonzalez* court held that under §1519 "the government did not need to prove that the defendants knew about a pending federal investigation or that they intended to obstruct a specific federal investigation" (*Id.* at 17).The Chancery judge, after making objectively false statements, ruled there should be no "further investigation (a.16).

The 11th Circuit Court of Appeals has upheld the SEC and DOJ's compliance with U.S. treaty obligations:

> "we turn to Congress's 1998 amendment of the FCPA, enacted to ensure the United States was in compliance with its treaty obligations. Indeed, since the beginning of the republic, the Supreme Court has explained that construing federal statutes in such a way to ensure the United States is in compliance with the international obligations it voluntarily has undertaken is of paramount importance.

United States v Esquenazi, 752 F.3d 912 No. 11-15331 (11th Cir. 2014), cert denied, 135 S.Ct.293 (2014)

The *Esquenazi* court indicated that compliance required a broad construction of the FCPA ("defendants' narrow construction of the FCPA would likely create a conflict with our international treaty obligations, with which we presume Congress meant to fully comply." *Id.* at 755 n.68.)

Congress passed the FCPA and §1519 to comply with its treaty obligations (FCPA Resource Guide, page 8):

> "The United States is a state party to the United Nations Convention Against Corruption (UNCAC), which [ ] requires parties to criminalize a wide range of corrupt acts, including domestic and foreign bribery and related offenses such as money laundering and obstruction of justice."

This Court has recognized the U.S. interest in complying with its treaty obligations:

> If the United States is to be able to gain the benefits of international accords and have a role as a trusted partner in multilateral endeavors, its courts should be most cautious before interpreting its domestic legislation in such manner as to violate international agreements.")

Vimar Seguros y Reaseguros, S.A. v. M/V Sky Reefer, 515 U.S. 528, 539, 115 S. Ct. 2322, 2329 (1995)

Government's interest in UNCAC is "paramount":

> The final treaty cited by the government is the U.N. Convention Against Corruption, another multilateral treaty to which the United States and Panama are both parties, that provides [ ] Our Nation's obligations arising from multiple treaties with a neighbor in our region of the world are paramount.

In re Extradition of Berrocal 263 F. Supp. 3d 1280 Dciting *Sanchez-Llamas v. Oregon*, 548 U.S. 331, 346-47 (2006)

Denial of this Petition would, objectively, be the same exercize of discretion, where international and U.S. law allow "no discretion", as below. *Murray v. Schooner Charming Betsy*, 6 U.S. (2 Cranch) 64, 118 (1804) ("an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains.")

The Lawmaker Trustees' four-year plan[15] is a civil-society partnership supported by the Government:

---

[15] The plan's two objectives are reimbursement of the Lawmaker Trustees' constituents from fines and development of AI independent of state-sponsored misinformation.

> "professional service providers enable the movement and laundering of illicit wealth, including in the United States [ ] [The President wishes] the United States Government [to] promote partnerships with the private sector and civil society to advocate for anti-corruption measures and take action to prevent corruption"

White House, *Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest,* June 03, 2021

The SEC prosecutes where false statements (RLF's misrepresentations) conceal a books-and-records violation (the Minutes falsification). The *FCPA Resource Guide* states at page 44:

> "[I]n January 2011, SEC charged the former CEO of a U.S. issuer [ ] he falsely stated that he complied with the company's code of ethics and was unaware of any violations of the code of ethics by anyone else. The officer was charged with aiding and abetting violations of the books and records and internal controls provisions"

Lawyers' misrepresentations to courts constituted fraud on the court: on the Privy Council as well as on the shareholders' court in Delaware.

> Aoude knew that counsel had annexed the false agreement to the complaint instead of the real one [ ] Aoude and his counsel continued to act out the charade [ ] In our view, this gross misbehavior constituted fraud on the court. See Cleveland Demolition Co. v. Azcon Scrap Corp., 827 F.2d 984, 986 (4th Cir.1987) (fraud

on court may exist where witness and attorney conspire to present perjured testimony)
Aoude v. Mobil Oil Corporation 892 F. 2d 1115 (1st Cir 1989)

The one-in-a-million leak of U.S. internal law-firm documents (after trials, showing perversion of trials, and after appeals, showing perversion of appeals, with the approval of U.S. judges) shows that U.S. fraud on Europe, China, and developing countries is occurring behind closed doors on a trillion dollar scale.

Conclusion

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Peter R. Hall,
12 Park Avenue
London NW11 7SJ
United Kingdom
011 44 20 8458 7005
Email: ph@seacrystal.com
PRO SE PETITIONER
TRUSTEE FOR
LAWMAKER TRUSTEES