

23-6233

No. _____

ORIGINAL

FILED
DEC 05 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Patrick di Santo — PETITIONER
(Your Name)

vs.

Edward Mandlebaum, Alexandra Perez Halper F/K/A Alexandra Perez Cid —
RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS

NYS Appellate Court Third Department

PETITION FOR WRIT OF MANDAMUS

Patrick di Santo

% Stacy Brady
8757 Penrose Ln,
Lenexa, KS 66219

913 309 3423

(Phone Number)

QUESTION(S) PRESENTED

- I. Did Edward Mandlebaum and Alexandra Perez Halper f/k/a Alexandra Perez Cid fail to state cause of action for the relief which they were granted.**

OPINIONS BELOW

The decisions by the New York States Court of Appeals, Northern District Court, and Second Circuit Court deny Mr. Disanto, the Petitions even the most basic of Federal and state laws that prohibit disability-based discrimination by state courts and require the courts to provide people with disabilities reasonable accommodations allowing for the full participation in the court system. Unless deemed incompetent.

Individuals with disabilities. 28 C.F.R. Sec. 35.150(a)

Administrative Tribunals: Administrative agencies are public entities and places of public accommodation, and both the ADA and the WLAD apply to administrative agencies conducting adjudicative hearings. State and local government services, programs and activities — including those of administrative and judicial courts — must be “readily accessible to and usable by” individuals with disabilities. 28 C.F.R. Sec. 35.150(a). For the most part, this Guide applies directly to administrative tribunals. Administrative hearing procedures vary from agency to agency, but are generally informal and flexible. Many hearings are conducted by telephone, involve pro se parties, and are held in a variety of locations ... to meet special needs. Parties should have notice of the hearing date, time, location, and procedure early enough that a party or witness with special needs can ask to be accommodated ... Along with the notice of hearing, agencies should provide information listing hearing rights and addressing the most frequently asked questions about the process, including the right to reasonable accommodation or special assistance. Contact information (including a TTY number) should be included.

JURISDICTION

The Petitioner, Mr. Disanto, disabled in 2012 with a Traumatic Brain Injury, was denied equal accommodations in each court subsequently. The Respondents' intention and negative effect on the Petitioner was clearly outlined by Attorney Richard DuVall who respectfully addressed the Ulster Supreme Court following formal medical diagnosis and judicial

28 C.F.R. Sec. 35.150(a)

18 U.S.C. §1962(b)

18 U.S. Code § 2314

18 USC Sec. 1589

42 USC § 1983

CACI No. 1520.

RC 2323.51

Rule 3.210.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix ____ to the petition and is

[] reported at _____ ;
or, [] has been designated for publication but is not yet reported;
or, [] is unpublished.

The opinion of the United States district court appears at Appendix ____ to the petition and is

[] reported at _____ ;
or, [] has been designated for publication but is not yet reported;
or, [] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ___ to the petition and is

[] reported at Appellate Third Department _____ ;
or, [] has been designated for publication but is not yet reported;
or, [] is unpublished.

The opinion of the Northern District Court _____
court appears at Appendix ___ to the petition and is

[] reported at _____ ;
or, [] has been designated for publication but is not yet reported;
or, [] is unpublished.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ___.

[] An extension of time to file the petition for a writ of certiorari was granted to and including in _____ (date) on _____ (date) in Application No. ___ A ___.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from state courts:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix ___.

[] A timely petition for rehearing was thereafter denied on the following date: Appellate Third Department ___, and a copy of the order denying rehearing appears at Appendix ___.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ___.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

identification of incompetence, in two counties. A petition for hearing in the Ulster Supreme Court was denied on May 12, 2017, The New York State Appellate Division Third Department on September 16, 2021, and the Court of Appeals, State of New York on April 28, 2022. Mr. Disanto invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed a response to the original petition and within ninety days of the original Ulster Supreme Court's judgment. Far predating the sale of the estate of Petitioner in 2018 Exhibit 13.

Title II of the ADA

Because access to the courts is a fundamental right, the United States Supreme Court has held that Title II of the ADA is constitutionally valid. In *Tennessee v. Lane*, 124 S.Ct. 1978 (2004), the Court held that "Title II unquestionably is valid...as it applies to the class of cases implicating the accessibility of judicial services[.]" *Id.* at 1993. The Court observed that the "duty to accommodate is perfectly consistent with the well-established due process principle that 'within the limits of practicability, a State must afford to all individuals a meaningful opportunity to be heard' in its courts." *Id.* at 1994 (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)).

The Washington State Supreme Court has held that the right of access to the courts is fundamental and preservative of all other rights, and that denial of access on the basis of poverty violates the Washington State Constitution. *Carter v. University of Washington*, 85 Wn.2d 391, 536 P.2d 618 (1975).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment XIV: [the enactment of Title II].... Recognizing that failure to accommodate persons with disabilities will often have the same practical effect as outright exclusion, Congress required the States to take reasonable measures to remove architectural and other barriers to accessibility.... [A]s it applies to the class of cases implicating the fundamental right of access to the courts, [Title II] constitutes a valid

exercise of Congress'...authority to enforce the guarantees of the Fourteenth Amendment. Tennessee v. Lane, 124 S.Ct. 1978, 1993-4 (2004).

Pro Se Litigants with Disabilities When a person with a disability represents him- or herself, there may be no intermediary between the court and the litigant on the subject of necessary accommodations. It is acutely important that judicial officers, clerk's staff, and courtroom staff be alert, communicate effectively and respectfully, and determine appropriate accommodation if needed.

STATEMENT OF THE CASE

1. I am Patrick di Santo, the Petitioner and a Psychology graduate of the University of Kansas. Currently in rehabilitation for a Traumatic Brain Injury and other medical conditions suffered prior to the orders submission. Petitioner was deemed incompetent in two other courts due to thinking and reasoning skills being significantly impaired as per the 2015 report by Jeffery M. Merin, Ph.D., P.A. 37 Swann Avenue Tampa, Florida 33609 and Eddy Regnier, M.S.w., M.A., Ph.D. PY4639, 3703 Swann Ave Tampa Florida 33609. In 2016, James M. McGovern, Psy.D., PLLC 1023 Manatee Ave. West, Suite 302, Bradenton, Florida 34205. In 2019, Neal B. Deutch, Ph.D., ABN, FACP, Licensed Psychologist 8575 W 110th St #324, Overland Park, Kansas 66210.
2. As the Petitioner, has worked with the Psychology and Psychology Law department at the University of Kansas to best understand the events and order presented to the best of my ability. Except where otherwise indicated, I submit this affirmation based on the documents provided to me and attached to Respondents' motion hereto.

42 U.S. Code § 12101

physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;

3. Some time in late July or early August of 2017 Petitioner was contacted by Respondents through Petitioner's parents, who were in Florida and had received a summons with notice. Petitioner and his parents were instructed by court representatives due to being deemed incompetent and with a head injury they must address the Court with three references to assess the situation: an uncommon Summons and Notice attempting to give notice of a claim under RICO, 18 U.S.C. 1961 and following Please see Exhibit 4.

REASONS FOR GRANTING THE WRIT

1. It is evident therefore, that the sole purpose is to further harass and interrupt Petitioner's rehabilitation and work (Petitioner is a research scientist affiliated with the University of Kansas and the Union Center for Cultural and Environmental Research: studying treatments and medical assessments of Head Injuries, Non Narrative film, and Global Spiritual Practice, often using media as a Public Service Announcement for findings). The Petitioner, respectfully, suggests and urges that this case be dismissed without prejudice to any claim that the Respondents' have against him; actually causing the Respondents' harm.

§1621. Perjury generally

- A. Perjury having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, willfully testify(s), declare(s), depose(s), or certify truly, or that any written testimony(s), declaration(s), deposition(s), or certificate(s) subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which knows not to be true.
- B. in any declaration(s), certificate(s), verification(s), or statement under penalty(s) of perjury(s) as permitted under section 1746 of title 28, United

States Code, willfully subscribes as true any material matter which he does not know to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

2. Furthermore, all of the complaints of conduct in the last decade have occurred outside of New York State. Respondents acknowledged in their complaint (See Complaint ¶139) they have already obtained an uncollectable default money judgment against Petitioner, while the Petitioner was institutionalized. See Exhibit “2”. See also, Complaint at ¶15, referring to Respondents earlier money judgment obtained on default, while Petitioner was deemed incompetent. It thus appears that most of the activity complained of by the Respondents in this case as allegedly constituting “RICO” violations are set forth in the Complaint (See Complaint ¶20), complaining that in early 2017 (according to Respondents) falsely filed a report suggesting that they damaged, the Petitioner’s, property Exhibit 8.

18 U.S. Code § 2314

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more

Even if their complaint were true, such does not constitute a violation of “RICO” and in no circumstances can be considered “Racketeering”. Clearly the conduct, even if it

has occurred, does not affect interest or foreign commerce, nor is it an enterprise to affect interstate commerce or collection of unlawful debt.

3. Petitioner has relocated to Kansas to pursue consistent uninterrupted rehabilitation and attempt to live a normal life and continue his research. The reported missing properties, research, media, and incorrect information propagated by the Respondents has intentionally impeded medical rehabilitation since the injury

Exhibit 12.

42 U.S. Code § 1983 - Civil action for deprivation of rights

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, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

4. Psychiatrist Dr. Claude Schleuderer, Attorney Lawrence Shelton, and Psychiatrist Dr. Elizabeth Mundt indicated this to the Court in 2011 and 2012 Exhibit 5.

Progressive Cognisant Dissonance, medically observed to be brought on by the Respondents' malice and misinformation.

5. The disability suffered by the Petitioner has been met with such extreme animosity by those who insist he defrauded them. The propagation of many untruths has been extreme for many years. From 2002 to the present order Respondents have taken

Petitioner to court, committed slander and libel, regularly for nearly two decades; for no reason other than arrogance, maliciousness, and ignorance. Petitioner has been accused of: being dangerous, participating in pornography, and RICO. All projections of Respondents own delusions and greed.

Section 2323.51 | Frivolous conduct in filing civil claims.

The Frivolous Conduct Statute, RC 2323.51, states in part that “any party adversely affected by frivolous conduct may file a motion for an award of court costs, reasonable attorney fees, and other reasonable expenses incurred in connection with the civil action or appeal.”

Ohio courts define frivolous conduct as conduct that “(1) serves merely to harass or maliciously injure another party to the civil action or appeal, or is for another improper purpose, including, but not limited to causing unnecessary delays or needless increase in the cost of litigation; (2) conduct that is not warranted under existing law, or cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law; or (3) conduct that consists of allegations that have no evidentiary support.” Carbone v. Nueva Construction Group, LLP, 8th Dist. Cuyahoga No. 103942, 2017-Ohio-382 par. 21, citing R.C. 2323.51(A)(2)(a).

6. Petitioner has had private investigators threatening him in Respondents' name and Petitioner has not been in Respondents' vicinity for over a decade and a half Exhibit 9.
7. Respondents have maintained disruption of Petitioner's work, ability to obtain proper medical rehabilitation, earn an appropriate income and in the relationship with his children, friends, and family for several decades. The Respondents conveyed untruths about Petitioners' absence to his family, friends, work associates, and the Courts, regarding his medical condition and care: diagnosis of Dupuytren's Contracture, Dupuytren's Disease, Vikings disease (also known as Morbus Dupuytrens) that has been treated with surgeries by Dr Ristic, OsteoGenesis Imperfecta (OI), Motor

Neurone Disease (MND) (or Lou Gehrig's Disease also known as Amyotrophic Lateral Sclerosis), and a Brain Injury (TBI) Please See Exhibit 8.

18 U.S. Code § 1621

Perjury generally June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

8. Petitioner hired the attorney Respondents chose for themselves, Attorney Laura Schulman, Kingston NY and Sarasota Fl to mediate their custody and divorce needs since 2004).
9. Recommendations from previous work associates trying to address the misinformation; Professor Arthur Burrows, The Juilliard School, Charles Tracy, Lead photographer Ruby Studios, George Cole, Art Expert Red Hook NY, Mark Gasper, Director Filmmaker, Hoboken NY, Joel Mathiesen Art Expert JMFAA, North Dakota/New York, Chris Raymond, work rehabilitation associate, Venice Florida were not accepted in the Ulster County Supreme Court or Ulster County Family Court

Exhibit 10.

CONCLUSION

1. Petitioner never saw or was able to understand the Respondents Complaint, Richard DuVall reports "Patrick Disanto, the Petitioner can be excused for defaulting, especially given his mental condition at the time. Copies of medical reports confirming this, have been forwarded to Respondents and Ulster County Supreme Court numerous times as well as via the reference writers. Given the degree of animosity the Respondents express toward Petitioner and his family Petitioner is hesitant to include them. They may be made available for in camera review or other such means by the Court if it deems such appropriate" Please See an introduction Exhibit 11.

2. Petitioner has been informed by Attorney DuVall that in his family court experience within issues of this nature "Peace by Injunction" is appropriate.
3. In light of all the aforesaid, the undersigned respectfully requests that the motion for default be denied Exhibit 12.
4. A proposed answer hereto as Exhibit "3". The determination of whether to permit late service of an Answer is committed to the sound discretion of the Court. Where possible, actions should be determined on their merits. Dinster v Allstate Ins. Co., 75 A.D.3d 957 (3d Dept. 2010). If the Court does not dismiss this action, Plaintiff respectfully requests that the annexed Answer be permitted, and that it be deemed served.

Appendix 1	Competency County Court of the Twelfth Judicial Court in and for Sarasota Fl., Competency Decision in the Circuit Court of the Twelfth Judicial Circuit in and for Manatee County Florida.
Appendix 2	Complaint of Edward Mandlebaum, Alexandra Perez Halper, Berry Rell. US District Court Northern District of Florida Pensacola Division.
Appendix 3	Notice of Cross Motion Supreme Court of the State of New York County of Ulster.
Appendix 4	¶11 Notice of Cross Motion Supreme Court of the State of New York County of Ulster.
Appendix 5	Family Court of the State of New York County of Ulster.
Appendix 6	New York State Appeal Third Department.
Appendix 7	Sempre Fi Society NAS Pensacola Florida OCS pre qualification training photo.
Appendix 8	Sheriff's Notice of Sale, Supreme Court State of New York County of Ulster.
Appendix 9	Slander Libel Malicious Prosecution, Abuse of Process, Frivolous Law, Child endangerment, Molesting a person with a disability. "The pressure however, can not help his instability"
Appendix 10	Letters To Judge Cahill Supreme court of the United States County of Ulster (predating sale of estate)
Appendix 11	Coastal Behavioral Healthcare Institutional Healthcare
Appendix 12	Court appointed PET scan results indication frontal lobe and temporal lobe damage (made available to all members of this case). List of attorneys who have addressed the matter presented with all parties.

TABLE OF AUTHORITIES CITED

CASES

BESICORP LTD., Appellant, v. ALAN R. KAHN et al., Respondents, et al.

Besicorp Ltd. v Kahn, 290 S.D.2d 147, 151 (3d Dept 202).

Carnegie v. Carnegie, 83 N.Y.S. 2d 832[1948]

Deiscon, Inc v NYMEX Corp., 93F.3d 1055, 1062-1063

Dev n New York State Dept. of Taxation & Fin., 277 A.D.2d 308, 309

Western Capital Design, LLC v. New York Mercantile Exchange 438, (S.D.N.Y. 2001)

Carrero v. Dime Contractors, 29A.D.3d 506, 815N.Y.S.2d 139[2nd Dept.2006]).

Matter of Eagle Ins. Co. v. Suleymanova, 289 A.D.2d 404, 404, 734 N.Y.S.2d 881 [2nd Dept. 2001];

Edwards v Wells, 97 AD3d 530, 531 [2nd Dept 2012]

Tennessee v. Lane, 124 S.Ct. 1978, 1993-4 (2004).

Boddie v. Connecticut, 401 U.S. 371, 379 (1971)

Carter v. University of Washington, 85 Wn.2d 391, 536 P.2d 618 (1975)

Patrick di Santo, the Plaintiff, originally the Defendant in this matter, files this petition pro se from Kansas City, Kansas respectfully affirms the truth of the following statements under penalty of perjury pursuant to CPLR §2106:

STATUTES AND RULES

CPLR §3211

18 U.S. Code § 1621

42 U.S. Code § 12101

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CPLR §3211

18 U.S. Code § 1621

42 U.S. Code § 12101

28 C.F.R. Sec. 35.150(a)

18 U.S.C. §1962(b)

18 U.S. Code § 2314

18 USC Sec. 1589

42 USC § 1983

CACI No. 1520.

RC 2323.51

Rule 3.210.

STATEMENT OF THE CASE

1. The history with the Respondents is tumultuous, noble efforts by the Petitioner to mediate have failed 17 times in 20 years, these attempts by Petitioner in good faith ignored by Judge Christopher Cahill and Judicial Hearing Officer Lalor's rulings for unknown or indicated reasons. Petitioner sent the information and the references to the Court and received no reply, though it is found in this case as well as in Edwards v Wells, 97 AD3d 530, 531 [2nd Dept 2012] “[A] Referee's authority is derived from the order of reference and a Judicial Hearing Officer who attempts to determine matters not referred to him [or her] by the order of reference acts beyond and in excess of his

[or her] jurisdiction" (*McCormack v. McCormack*, 174 A.D.2d 612, 613, 571 N.Y.S.2d 498, citing CPLR 4311; *see Carrero v. Dime Contrs.*, 29 A.D.3d 506, 507, 815 N.Y.S.2d 139; *Matter of Eagle Ins. Co. v. Suleymanova*, 289 A.D.2d 404, 404, 734 N.Y.S.2d 881).

Judge Christopher Cahill has been involved in most of the 21 cases brought against the Petitioner. The tracking of the letters according to those who sent them indicated they had been received. However, letters were returned from Ulster County Supreme Court indicating there was no such Summons and Motion for which their recommendation was required.

2. Petitioner then contacted the Attorney, Richard R. Duvall of McCABE & MACK LLP, Poughkeepsie, New York, upon reference from one of the authors to continue to provide transparency out of respect to the Court. The Petitioner, misunderstanding what representation meant, sent the address to opposing counsel in error. Attorney Richard DuVall recalls Exhibit 4.
3. These basic misunderstandings are attributed to multiple concussions sustained in the various sports Petitioner played in his life including horse riding, soccer, hockey, and the final a TBI (traumatic brain injury) suffered on campus.
4. Petitioner's parents, Richard and Joan Disanto, contacted the Court and Attorney Richard DuVall to explain that Petitioner had suffered a Traumatic Brain Injury, had been institutionalized for confusion, had a previous case pending and had been hospitalized for treatment related to the injury. Petitioner was receiving treatment to best normalize life.
5. In review of the original complaint of Respondent's Affidavit of Merit, it seems that the majority of complaints about Petitioner stem from what is considered to be ancient history (which well predates the parties' involved custody battle and were concluded more than a decade ago). Many of these allegations in the complaint are

simply repetitions of what was presented in court before Judicial Hearing Officer Lalor, and outlined JHO Lalor's Decision and Order. An order Petitioner disagrees with from both an ethical and disability point of view.

6. The allegations in the complaint and affidavit of Merit pertaining to Florida activity have, to the extent that they pertain to criminal activity, been dismissed by failure of the prosecuting bodies to prosecute. Richard Disanto provided medical diagnosis pertaining to Petitioner's condition to prosecutors. Prosecutors have since determined Petitioner lacks the capacity and intention to continue to pursue and dropped the charges. See dismissals from Manatee County and from Sarasota County, attached hereto collectively as Exhibit 1.
7. Respondents', Edward Mandlebaum and Alexandra Perez Halper f/k/a Alexandra Perez Cid (Referred to as Respondents from this point on) for their part, know perfectly well how to institute harassing limitations in Florida. See papers attached hereto as (Exhibit 2).

The RICO theory of instant case, while novel, cannot be sustained. "Liability under 18 U.S.C. §1962(b) requires a showing that a person "through a pattern of racketeering activity ... acquire[s] or maintain[s], directly or indirectly, any interest in or control of any enterprise which engages in ... interstate or foreign commerce." Defendants' claim wholly fails to plead any facts showing myself (referred to as Plaintiff from this point on) maintained or acquired control of Defendants' through alleged racketeering activity (*see, Deiscon, Inc v NYMEX Corp., 93F.3d 1055, 1062-1063*), vacated on other grounds 525 U.S. 128; STS Mgt. Dev n New York State Dept. of Taxation & Fin., 277 A.D.2d 308, 309; Smith and Reed, to acquire control over Plaintiff suffered an injury as a result thereof is simply insufficient. (*Besicorp Ltd. v Kahn, 290 S.D.2d 147, 151 (3d Dept 202)*).

8. Here the allegations in the Respondents' complaint of activity constitutes an "enterprise" further displaying the level of delusion the Respondents continue to express when addressing Petitioner or Petitioners work. To the extent that it is taken at face value as a pleading which must be deemed true, it simply alleges erratic

conduct by Petitioner, disabled by the medical deficit of a head injury. Respondents acknowledge they are not seeking monetary recovery in this case yet they pursue Petitioner, in Florida, New Jersey, New York, and Kansas. See Complaint ¶139.

REASONS FOR GRANTING THE PETITION

1. It is evident therefore, that the sole purpose is to further harass and interrupt Petitioner's rehabilitation and work (Petitioner is a research scientist affiliated with the University of Kansas and the Union Center for Cultural and Environmental Research: studying treatments and medical assessments of Head Injuries, Non Narrative film, and Global Spiritual Practice, often using media as a Public Service Announcement for findings). The Petitioner, respectfully, suggests and urges that this case be dismissed without prejudice to any claim that the Respondents' have against him; actually causing the Respondents' harm.

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- A. Perjury having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, willfully testify(s), declare(s), depose(s), or certify truly, or that any written testimony(s), declaration(s), deposition(s), or certificate(s) subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which knows not to be true.
- B. in any declaration(s), certificate(s), verification(s), or statement under penalty(s) of perjury(s) as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not know to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

2. Furthermore, all of the complaints of conduct in the last decade have occurred outside of New York State. Respondents acknowledged in their complaint (See Complaint ¶139) they have already obtained an uncollectable default money judgment against Petitioner, while the Petitioner was institutionalized. See Exhibit “2”. See also, Complaint at ¶15, referring to Respondents earlier money judgment obtained on default, while Petitioner was deemed incompetent. It thus appears that most of the activity complained of by the Respondents in this case as allegedly constituting “RICO” violations are set forth in the Complaint (See Complaint ¶20), complaining that in early 2017 (according to Respondents) falsely filed a report suggesting that they damaged, the Petitioner’s, property Exhibit 8.

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Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more

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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, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96-170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

4. Psychiatrist Dr. Claude Schleuderer, Attorney Lawrence Shelton, and Psychiatrist

Dr. Elizabeth Mundt indicated this to the Court in 2011 and 2012 Exhibit 5.

Progressive Cognisant Dissonance, medically observed to be brought on by the
Respondents' malice and misinformation.

5. The disability suffered by the Petitioner has been met with such extreme animosity
by those who insist he defrauded them. The propagation of many untruths has been
extreme for many years. From 2002 to the present order Respondents have taken
Petitioner to court, committed slander and libel, regularly for nearly two decades; for
no reason other than arrogance, maliciousness, and ignorance. Petitioner has been
accused of: being dangerous, participating in pornography, and RICO. All projections
of Respondents own delusions and greed.

The Frivolous Conduct Statute, RC 2323.51, states in part that “any party adversely affected by frivolous conduct may file a motion for an award of court costs, reasonable attorney fees, and other reasonable expenses incurred in connection with the civil action or appeal.”

Ohio courts define frivolous conduct as conduct that “(1) serves merely to harass or maliciously injure another party to the civil action or appeal, or is for another improper purpose, including, but not limited to causing unnecessary delays or needless increase in the cost of litigation; (2) conduct that is not warranted under existing law, or cannot be supported by a good faith argument for an extension, modification, or reversal of existing law, or cannot be supported by a good faith argument for the establishment of new law; or (3) conduct that consists of allegations that have no evidentiary support.” Carbone v. Nueva Construction Group, LLP, 8th Dist. Cuyahoga No. 103942, 2017-Ohio-382 par. 21, citing R.C. 2323.51(A)(2)(a).

6. Petitioner has had private investigators threatening him in Respondents' name and Petitioner has not been in Respondents' vicinity for over a decade and a half Exhibit 9.
7. Respondents have maintained disruption of Petitioner's work, ability to obtain proper medical rehabilitation, earn an appropriate income and in the relationship with his children, friends, and family for several decades. The Respondents conveyed untruths about Petitioners' absence to his family, friends, work associates, and the Courts, regarding his medical condition and care: diagnosis of Dupuytren's Contracture, Dupuytren's Disease, Vikings disease (also known as Morbus Dupuytrens) that has been treated with surgeries by Dr Ristic, OsteoGenesis Imperfecta (OI), Motor Neurone Disease (MND) (or Lou Gehrig's Disease also known as Amyotrophic Lateral Sclerosis), and a Brain Injury (TBI) Please See Exhibit 8.

18 U.S. Code § 1621

Perjury generally June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, § 1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, § 2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

8. Petitioner hired the attorney Respondents chose for themselves, Attorney Laura Schulman, Kingston NY and Sarasota Fl to mediate their custody and divorce needs since 2004).
9. Recommendations from previous work associates trying to address the misinformation; Professor Arthur Burrows, The Juilliard School, Charles Tracy, Lead photographer Ruby Studios, George Cole, Art Expert Red Hook NY, Mark Gasper, Director Filmmaker, Hoboken NY, Joel Mathiesen Art Expert JMFAA, North Dakota/New York, Chris Raymond, work rehabilitation associate, Venice Florida were not accepted in the Ulster County Supreme Court or Ulster County Family Court

Exhibit 10.

CONCLUSION

1. Petitioner never saw or was able to understand the Respondents Complaint, Richard DuVall reports “Patrick Disanto, the Petitioner can be excused for defaulting, especially given his mental condition at the time. Copies of medical reports confirming this, have been forwarded to Respondents and Ulster County Supreme Court numerous times as well as via the reference writers. Given the degree of animosity the Respondents express toward Petitioner and his family Petitioner is hesitant to include them. They may be made available for in camera review or other such means by the Court if it deems such appropriate” Please See an introduction Exhibit 11.
2. Petitioner has been informed by Attorney DuVall that in his family court experience within issues of this nature “Peace by Injunction” is appropriate.
3. In light of all the aforesaid, the undersigned respectfully requests that the motion for default be denied Exhibit 12.

4. A proposed answer hereto as Exhibit "3". The determination of whether to permit late service of an Answer is committed to the sound discretion of the Court. Where possible, actions should be determined on their merits. Dinster v Allstate Ins. Co., 75 A.D.3d 957 (3d Dept. 2010).

The petition for a writ of MANDAMUS should be granted, due to the nature of the errors presented and the Excessive Abuse of Process, Malicious Prosecutions, and Frivolous law outlined. .

Respectfully submitted,

Date: _____ 