23-7159

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

THOMAS J. BUCK — PETITIONER
(Your Name)

vs.

JANICE J. COMPTON RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

6TH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS J. BUCK
(Your Name)

90 BEACHSIDE DR. 202
(Address)

VERO BEACH, FL 32963
(City, State, Zip Code)

317-503-0468
(Phone Number)

QUESTIONS PRESENTED

1). What does the Supreme Court of the United States do when it is presented with a case in which a Circuit Court of Appeals introduces false statements into the facts of the Case which are in direct contradiction to the record of the case as provided by the Department of Justice, the Securities Exchange Commission, and/or the Financial Industry Regulatory Authority?

2). What does the Supreme Court of the United States do when the Supreme Court is given evidence that the Circuit Court of Appeals has obviously utilized those false statements as the premises on which ruling is based, and has in fact included a number of those false statements in the text of its ruling?

3). How can a citizen of the Untied States protect himself and his family from financial ruin, emotional torment, and professional upheaval when a Circuit Court uses statements of its own fabrication as the basis for upholding a Draconian penalty against that citizen if the Supreme Court will not intervene?

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

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TABLE OF AUTHORITIES CITED

(In this list of authorities, I have not included specific page numbers for reference in my petition. The reason for this is that the rationale for my petition for Vacateur is the false statements introduced into the ruling by the Court. In doing this, the Court prohibited the full and unbiased facts of the case to be included as the basis for the Court's ruling. Each of these Authorities provides an example of a case in which evidence was either deliberately withheld, accidently omitted, mishandled, altered, or otherwise tainted, resulting in an unfair verdict. In each of these cases, the verdict was overturned, as should happen here.)

United States v. Service Deli, Inc.	151 F. 3d 938 (9th Cir. 1998)
United States v. Lloyd	71 F. 3d 408 (D. C> Cir. 1995)
Brown V. Borg	951 F. 2d 1011 (9th Cir.1991)
United States v. Tinscher	907 F. 2d 600 (6th Cir. 1989)
Brown v. Wainwright	785 F. 2d 1457 (11th Cir. 1986)
United States v. Beech	307 F. R. D. 437 (W. D. Pa. 2018)
United States v. Blankenship	2015 WL 3687864 (S. D. W. Va. Ja. 12, 2015) Unpublished
Bridges V. Beard	941 F. Supp. 2d 584 (S. D. Pa. 2013) Aff'd. Fed. Appx. (3rd Cir. Sep. 1, 2017)

Hash v. Johnson	845 F.Supp. 2d 711 (W.D. Va. 2012)
Gumm v. Mitchell	2011 WL 1237572 (S.D. Ohio Mar. 29,2011)
	Aff'd 775 F.3d 345 (6th Cir. 2014)
Guzman v. Dept. of Corrections	698 F. Supp. 2d 1317 (M.D. Fla, 2010)
	Aff'd 663 F.3d 1336 (11th Cir. 2011)
United States v. Fitzgerald	615 F. Supp. 2d 1156 (S.D. Cal 2009)
United States v. Lyons	352 F. Supp. 2d 1231 (M.D. Fla. 2004)
Bragg v. Norris	128 F. Supp. 2d 587 (F.D. Ark 2000)
U. S v. Patrick	985 F. Supp. 543 (E.D. Pa. 1999)
	Aff'd 156 F.3d 1226 (3rd Cir. 1998)
Chamberlain v Mantello	954 F. Supp. 499 (N. D. N. Y. 1997)
U. S. v. Ramming	915 F. Supp. 854 (S. D. Tex. 1996)
Troedel v. Wainwright	667 F. Supp. 1456 (S. D. Fla. 1986),
	Afff'd 828 F.2d 670 (11th Cir. 1981)
Blanton v. Blackburn	494 F. Supp. 895 (M.D> La. 1983)
	Aff'd, 654 F.2d 719 (5th Cir. 1981)
Propes v. Commonwealth	2015 WL1778198 (Ky. App. 2015)
Manning v. State	158 So. 3d 302 (Miss. 2015)
Mitchell v. U.S.	101 A. 3d 1004 (D.C. 2014)
Rios v. State	377 S.W. 3d 131 (Tex. Cap. 2012)
Jordan v, State	343 S.W. 3d 84 (Tenn. Crim. App. 2011)
DeSimone v. State	803 N.W. 2d 97 (Iowa 2011)
State v. Bai	2011 Ohio 2206, 2011 WL1782113
	(Ohio app. May 9. 2011)
State v. Ferris	656 S.E. 2d 121 (w. Va. 2007)
People V. Harris	825 N.Y. S.2d 876 (N.Y.A.D. 2006)
Toro v. State	2004 WL 1541917 (R.I. Super, 2004)
	(Unpublished)
People v. Kazakevicius	2003 WL 21190612 (Mich. App. May 20, 2003)

State v Barker	554 S.E. 2d 413 (N.C.2001)
Little v. State	736 So. 2d 486 (Miss. App. 1999)
People V. Diaz	696 N. E. 2d 819 (Ill. App. 1998)
Hamilton v. State	677 So. 2d 1254 (Ala. Crim. App. 1995)
State V. Bryant	415 S.E. 2d 806 (S. C. 1992)
Ham v. State	760 S. W. 2d55 (tex. App. 1988)
Commonwealth v. Wallace	455 A. 2d 1187 (Pa. 1983)
Kyles v. Whitley	514 U.S 419 (1995)
Giglio v. United States	405 U.S. 150 (1972)
Miller V. Pate	386 U.S. 1 (1967)
Brady v. Maryland	373 U.S. 83 91963)
Napue v. Illinois	360 U. S. 264 (1959)
Dennis v. Sec'y, Pa. Dept. of Corr.	834 F.3d 263 (3d Cir. 2016) (en banc)
Houston v. Waller	420 Fed. Appx. 501, 2011 WL 1496350 (6th Cir. Apr. 20, 2011)
Harris v. Leffler	553 F.3d 1028 (6th Cir. 2009)
Jells v. Mitchell	538 F. 3d 478 (6th Cir. 2008)
White v McKinley	519 F.3d 806 (6th Cir. 2008)
United States v. Garver	507 F.3d 399 (6th Cir. 2007)
Mathis v. Bergheis	90 Fed. Appx. 101, 2004 wl 187552 (6th Cir 2004) Unpub.
Castleberry v. Brigano	349 F. 3d 286 (6th Cir. 2003)
Monroe v. Angelone	323 F.3d 286 (4th Cir. 2003)
Sawyer v. Hofbauer	299 F.3d 605 (gth cir. 2002)
Jamision v. Collins	291 F.3d 380 (6th Cir. 2002)
Boss v. Pierce	263 F. 3d 734 (7th Cir. 2001)
Love v. Freeman	199 WL 671939 (4th Cir. Aug. 30, 1999)
Schledwitz v. United States	169 F. 3d 1003 (6th Cir. 1999)

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

The opinion of the _____ 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 12/20/2023.

[ ] 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: Feb. 2, 2024, 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. § 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: _____, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FINRA RULE 12206 (A): six year statute of repose

FINRA RULES FOR VACATEUR

I NDIANA CORRUPT BUSINESS INFLUENCE ACT: five year statute of limitations

FEDERAL RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT: five year statute of limitations for criminal case, four year statute of limitations for civil case

STATEMENT OF THE CASE

>In 2009, Compton opened self-directed, commission-based accounts at Merrill Lynch and asked that I serve as an advisor on the accounts with about $7,000,000 in assets from her divorce. I was never engaged as a manager of her accounts. The decision-making on these accounts was a collaborative effort with my providing advice based on Merrill Lynch research and Compton having all decision-making authority.

>Having not invested in the financial markets other than her 401(k),she chose to maintain a conservative to moderately conservative risk profile for her portfolio. To that point, she began in 2009 directing me to invest no money into stocks. Beginning 2010, she authorized a 10% allocation to stocks and increased that allocation to about 35% of her assets beginning 2011 and remaining at that level until I was terminated in 2015 and beyond. In late 2012, she received a $34,000,000 windfall from a start up investment that she and her ex-husband had invested in years prior. At that point, she expressed interest in becoming more aggressive in her risk profile, perhaps to a moderate to moderately-aggressive risk level. I wrote several proposals and had countless discussions regarding that goal but she declined my recommendations and opted to keep over $25,000,000 in cash. She testified to this under oath.

>Compton earned about $12,000,000 in profit in her accounts at Merrill Lynch (not counting the $34,000,000 windfall) from 2009 until my termination in 2015. In addition, she earned profit from her decisions in her accounts that do not appear on the Merrill Lynch statements during that time. From 2009-2014, Compton earned about $49,000,000 in realized capital gains, according to her Federal Tax Schedule Ds. She wanted to shelter as much of this as possible. With an aggressive tax-saving strategy we were able to shelter over $4,000,000 of these gains, generating tax-savings of about $1.5million.. In addition, Compton ordered the sale of non-Tennessee domiciled bonds in order to purchase Tennessee-domiciled bonds to save more in taxes. These bonds, nearly $9,000,000 in value, earned almost 5% tax-free for at least 7 years after my termination, which is over $3,000,000 in tax-free interest. These two strategies generated commissions that would ordinarily not have been charged, were highly profitable, and the profits do not appear on the Merrill Lynch statements analyzed at arbitration.

>During this time, Compton kept as much as $27,000,000 in money market funds, against my advice.

>I was very proud of the work I had done for Compton. She only expressed appreciation for my efforts until filing for arbitration in 2020.

S

>After my termination, I surrendered my securities license, pled guilty to one count of securities fraud regarding three clients, NOT Compton. Compton was NEVER part of any pleading. At my sentencing, the DOJ produced a table consisting of partial account balances of selected accounts of selected clients to support its allegation of damages. Compton was among these clients. The accountant hired by the DOJ testified that he had not adhered to the terms of the Merrill Lynch fee contract in his calculation of the hypothetical fees clients would have paid. He testified that he had deliberately understated those fees by concealing assets that would have been subject to a fee, thereby reducing the hypothetical fees clients would have paid and increasing the alleged loss. Because of the unreliability of these calculations, the judge gave me a significantly reduced sentence.

>In settling this case with the SEC, I put $2.9million into a settlement fund with the SEC to be distributed as the SEC saw fit to clients who felt they had been wronged by my actions.

>In about 2019, Compton filed a claim with the SEC for compensation from the settlement fund. Of 592 clients, she was the only one to do this. The SEC and Merrill Lynch determined that Compton had paid an annual commission percentage of 1.04%, or $1.4million on accounts that grew to over $45,000,000. While determining that 1.04% was not over billing, the SEC awarded Compton $946.868 in commission refund and interest, reducing her total costs to about 0.50% of annual assets, and increasing her profit by $946,868.

> On July 31, 2020, Compton filed an arbitration claim against me, alleging wrong-doing from 2009-2013. Compton specifically asked the arbitrators to find me guilty of fraud against her so that she could claim treble damages under the Indiana Corrupt Business Act (ICBIA) and attorneys' fees under Federal RICO laws. The arbitrators made NO SUCH FINDING.

>Around December 2021, Compton settled with Merrill Lynch for $5.5million. I was not part of those discussions.

>At the arbitration, Compton claimed that I had engaged in unauthorized trading, mismanaged her accounts, deliberately charged more in commissions than she would have paid in fees, aggressively traded her accounts to generate excess commissions, and, as a result, caused her accounts to under-perform the "market" by $7.3million. After earning over $12,000,000 as stated on her Merrill Lynch accounts, earning several $million more in tax saving and bond interest not showing on the Merrill statements, receiving a settlement check from me via the SEC of $946,868, and $5,5 million from Merrill, Compton filed her arbitration claim for ANOTHER $12,000,000.

>Several points need to be made here: 1) I did not do unauthorized trading in her accounts. No credible evidence was ever produced in support of that claim, only some partial phone records. And the FBI stated that it found no verification of that claim. 2) I was never hired to manage money for Compton. It is impossible to mismanage an account for a client when the client is the decision-maker on the account. 3) That Compton accused me of unauthorized trading betrays the fact that she KNOWS I had no management authority over her accounts, because a manager is granted discretionary authority to invest as he sees fit without client authorization.

>There was NEVER an analysis completed which compared the profitability of Compton's accounts to any relevant market index. The only "analysis" was a calculation done by a man who had never served as an expert witness in a securities arbitration but who claimed that designation for this proceeding. He calculated the profit Compton could have made had she maintained a 50% allocation to a quasi-Standard and Poor's Index fund from 2009-2012 and 75% to that fund thereafter, instead of what she directed me to do. As stated before, I was directed to invest no money into stocks in 2009, 10% in stocks beginning in 2010, and about 35% into stocks beginning in2011, and all of these stocks were to be in a conservative to moderately conservative profile. With 20/20 hindsight, he determined that she could have made $7.3million more.

>Compton testified under oath repeatedly that she directed me to maintain the asset allocation described in the paragraph above. She now wants me to pay her the profit she could have made had she followed my advice.

>After my termination, Compton did NOT change the asset allocation that she had maintained since 2011. She kept about 35% of her assets in stocks and did not sue any other advisor for mismanagement for failing to invest 75% of her assets in stocks. This was discussed thoroughly at the arbitration hearing.

>The arbitration panel awarded Compton $770,000 in compensatory damages, despite the profit she had made, the $946,868 plus $5,500,000 she had received in settlements. The panel then quadrupled the compensatory damages, charged me $1.9million in interest on a mismanagement award of $0 when I had no management authority, and made me pay $2.5million in attorneys fees..

REASONS FOR GRANTING THE PETITION

The reasons for granting the petition are as simple and straight-forward as the day is long. Quite simply, the Sixth Circuit Court of Appeals rendered a decision on a case in which false statements were introduced into the statement of the case by the Sixth Circuit Court. These false statements clearly form the narrative on which the ruling is based. And there are instances in which these false statements are included in the text of the actual decision of the Court. These false statements are in direct contradiction to the facts in the records of the Department of Justice (DOJ), Securities Exchange Commission (SEC), and/or Financial Industry Regulatory Authority (FINRA). Where these statements originated and how they were transmitted to the Court is for the Court to determine. When the Court rendered its decision on Dec. 20, 2023, I wrote a petition for a re-hearing because of the inclusion of false statements in the Dec. 20 ruling. In that petition, I pointed out a number of these false statements to the Court. That petition is included as Appendix E. The Court summarily denied my request.

The Court was informed that a number of false statements were included in its ruling. Those false statements clearly defined the Court"s ruling. For example,in deciding points of law In its ruling, the Court sought to shoot down points I made and sources I used with terms like "judicial gloss", "non-binding authority", "controlling legal authority", and so on, (Appendix A, p. 6,10, 13) so that it would appear to be staying with the letter of the law. At the same time it sought to bolster Compton's case with fabrications of law or hypothetical scenarios. First, regarding FINRA Rule 12206(a) statute of repose, the Court acknowledged the six year statute of repose, but then inserted the argument that Compton had complied with a six-year statute of limitations in filing her claim. There is NO statute of limitations based on the discovery date of an issue in FINRA rules! The Court INVENTED that out of whole cloth to grant Compton a right to file a claim where the law clearly does not allow it. (Appendix A p.10) Also, the Court conjured up a "conceivable" alternative of calculating treble damages in favor of Compton's case where the arbitrators had made clear the method they had used in their calculations. (Appendix A, p.16) (Appendix C. p.3) My belief is that the Court accepted at face value the false statements it was provided and sought to use the law to justify its ruling based on those false statements. Below is a listing of false statements in the December 20, 2023 decision of the Court. I am not including a narrative about these

statements at this point. In the next section of REASONS FOR GRANTING THE PETITION I will go into more detail. For now, here is the list of false statements included in the December 20, 2023 ruling.

False Statement 1). "Buck defrauded several of his clients, including Janice Compton."

False Statement 2). "Buck managed Compton's money."

False Statement 3). "entered trades without first obtaining Compton's authorization."

False Statement 4) "Buck placed over 1100 trades."

False Statement 5) "kept Compton's money in commission-based accounts knowing that she would have saved money by using accounts charged only a management fee."

False Statement 6) "this fraudulent management caused Compton's accounts to underperform the market by $7million."

False Statement 7) "fraud against several specific clients- identified as clients A, B, and C- by way of example". There was no "by way of example". Clients A, B, and C were all I was charged with or pled to. The Court fabricated that statement.

False Statement 8) "government's sentencing memorandum identified Compton as a victim."

False statement 9) "Compton received a payment from the SEC Victim's Fund in the amount of $946,868." This is a pejorative false statement of omission. The Court never acknowledges that the SEC fund was funded entirely by me as a negotiated settlement with the SEC.

False statement 10) " 'manifest disregard of the law.' Yet those words appear nowhere..." Those exact words are prominent on the FINRA website for rules as a reason to vacate an award.

False statement 11) rule 12206 (a) can be " ' continuing due to, for example, ongoing fraud' ". No ongoing fraud was alleged by any party at any time in this proceeding. But Court allowed the time bar of 12206(a) to be tolled, despite the void of the only reason cited by the Court for tolling the time-bar. Not really a false statement, but an example of prejudice by the Court.

False statement 12) "Compton brought her claims within six years of discovery." Discovery date is totally irrelevant. The Court just granted a right to Compton to file a claim at my family's expense that exists NOWHERE in the law. Again, an example of prejudice by the Court.

False statement 13) "it is at least conceivable that the arbitrators might have made their damages calculation another way... on some of the $6.4million offset." No, the arbitrators themselves state otherwise.

False statement 14) "$6.4million offset Buck enjoyed because of Compton's settlement with Merrill Lynch and payment from the SEC victim's fund." The Court again omits the fact that I paid for the SEC fund.

False statement 15) "the arbitrators might have based their interest award on Compton's damages paid by Merrill Lynch and the SEC." The arbitrators stated clearly how they calculated the interest award. It was not from Merrill or the SEC. This statement is a complete fabrication.

False statement 16) "Buck essentially got a free ride by not having to pay all of Compton's compensatory damages." This is so far beyond the pale. I settled with the SEC for $2.9million and the DOJ for another $2.2million. My family received NO free ride. Whoever wrote this should be ashamed.

This ruling has been devastating to my family. A court of law, especially at the level of a Circuit Court of Appeals, must be an unassailable bastían of integrity, and relentless in its pursuit of the truth. The Court must stop at nothing to ensure that the verdict it renders is the result of that unyielding fealty to the truth. Based on what I have written above, I strongly believe that the Court was

provided with information which did not adhere to that standard. The Court also received notice that it had been provided false information. And I believe, sadly, that the Court made its ruling based on false statements it had been provided.

I come to the Supreme Court because I have no place else to turn to seek justice for my family. Where else could I turn? The false statements that form the narrative of this verdict must be corrected and removed from the record. And this verdict must be overturned. No justice can be found on a foundation of false statements. This injustice must not be allowed to destroy lives.

REASONS FOR GRANTING THE PETITION

Your Honors,

Writing an appeal to the Supreme Court of the United States. is an endeavor in which I never thought I would be engaged. However, given that I find myself in this position without the resources to hire legal counsel, I will do my very best to follow every procedure and protocol of the Court. I ask in advance that my family not be penalized in the event that I make an honest error in my attempt to follow these processes.

I am appealing the ruling of the Sixth Circuit Court of Appeals in the above case against me be overturned and vacated. The moral and legal reason for making this petition is that blatantly false statements of a defamatory nature against me were introduced into the ruling by the Sixth Circuit Court. These statements were contradictory to the records of the Department of Justice, the Securities Exchange Commission, and FINRA. The Sixth Circuit Court also introduced as fact assertions that were nowhere to be found in the records. The Sixth Circuit then used these false statements as its premise for ruling on the points of law on which its ruling hinged.

In America today, we are witnessing the unravelling of the rules and institutions on which our nation has relied for nearly two and a half centuries. We see the weaponization of the Department of Justice, the persecution of the religious faithful, unacceptable behavior by people in positions of power, outrageous fines and sentences being rendered, and so on. And in this case, the Sixth Circuit Court stated as fact a number of false allegations which are simply not true. First, the Court determined and stated as fact that I committed a felony against Ms. Compton, in direct contradiction to the record of the DOJ. It also stated that I was a manager of assets for Ms. Compton, that I violated certain FINRA rules in her accounts, that I entered over 1100 trades in her accounts, that I had not paid for the SEC settlement fund, and a host of other infractions which directly contradict the records of the DOJ, SEC, and/or FINRA. This CANNOT be allowed to stand! The Sixth Circuit cannot create fiction out of whole cloth, then ascribe to that fiction acts of wrong-doing. And it most certainly cannot judge and

penalize a person and his family based on the fiction which it created.

I have tried to find case law to support my position. I find countless cases in which rulings were overturned because of violations of Brady, Napue, Giglio, Whitley, and so on. I have listed a plethora of them for you. The common thread of these cases is that the truthful, complete, salient, exculpatory evidence was not presented. In some cases, this evidence was willfully withheld. In others, it was mistakenly withheld. The same rules which prevent a prosecutor, law officer, or witness from making false statements or omitting exculpatory evidence against an accused must apply to judges as well. And these rules must be most rigorously adhered to at the Circuit Court of Appeals. The prestige of the Court of Appeals is such that every word must be of impeccable integrity. In this case, the Sixth Circuit did not fulfill that obligation. This is the crux of my appeal. The Sixth Circuit Court did not adjudge this case with unassailable integrity. It MUST be overturned for that reason alone.

In this petition, I am going to address FINRA policies that allow for vacateur, the false statements made by the Sixth Circuit Court of Appeals, and how those statements formed the premise for their ruling. This injustice MUST be overturned.

One of the issues that the Court addresses is the high bar established for vacateur. I have included the reasons that FINRA identifies for vacateur. Clearly, FINRA sees vacateur as a valid part of the arbitration process.

FINRA LAW FOR VACATEUR

"The law permits a district court to vacate or overturn an arbitration award if it finds that:

>the award was procured by corruption, fraud, or undue means

>there was evident partiality or corruption in the arbitrators

>the arbitrators were guilty of misconduct in refusing to postpone the hearing, etc.

> the arbitrators exceeded their powers or so inadequately executed them that a mutual, final, and definite award was not made

>the arbitrators disregarded a clearly defined law or legal principle applicable to the case before

them (Manifest Disregard of the Law), or

>there is no factual or reasonable basis for the award (complete irrationality)

Clearly and obviously ,FINRA allows for an arbitration to be vacated or overturned, and Manifest Disregard of the law is plainly included. The Court seems to doubt whether Manifest Disregard Is a reason for vacateur or not.

With the above as background, I am going to address the false statements articulated by the Sixth Circuit Court of Appeals in its ruling of December 20, 2023. This ruling was appealed by me pro se on January 2, 2024. (Appendix E). The Court denied my request in early February, 2024. (Appendix B).

The first blatantly false statement made in the Court's ruling is in the first sentence of its ruling in which it states that I committed fraud against Compton. This is false. The DOJ did not accuse me or charge me with fraud against Compton, nor did I plead guilty to that crime. The SEC made no accusation or allegation of fraud against me regarding Compton. In addition, Merrill Lynch testified to the FBI that I caused 21 clients out of 592 clients to pay more in commissions than they would have on the Merrill Lynch fee-based platform. Compton was NOT one of the 21 who over-paid as a result of any fraud I committed. This charge, presented as fact by the SixthCircuit Court, is a complete fabrication. No Court can state that a citizen of the United States is guilty of a felony against a person when the records of the DOJ, and SEC make no allegation that any such crime was committed. The award should be vacated for this alone.

The next false statement is that I "managed" Compton's money. This is again a blatantly false statement. I was hired as an advisor only. I had no managerial authority, nor was I compensated as a manager. This fact was made abundantly clear at the FINRA arbitration hearing. Compton made all investment decisions and approved all trades, as she so testified.

The next blatantly false statement by the Court is that I traded the accounts without first obtaining Compton's authorization. The fact that this allegation is presented immediately following the statement that I "managed" Compton's accounts betrays conclusively the falsehood of the Court's ruling. If an

advisor is assigned "management" authority, he is granted the discretion to invest assets as he sees fit without obtaining authorization for each trade. One cannot be a "manager" and engage in unauthorized trading.. The fact that I am accused of both of these activities simultaneously destroys the credibility of the accusations. As to unauthorized trading specifically, no credible evidence was ever presented to support this claim, only incomplete phone records. The FBI stated that it found no independant corroboration of Compton's claim. (Appendix E) And Compton herself testified that she declined some recommendations from me, approved others, and directed me to execute trades of her own decision making. In particular, she directed asset allocation. That I did unauthorized trading is false, and that Compton accused me of it tells us that she knows I was not a "manager." The importance of this fact will be made obvious in the financial penalty ruling of the arbitration panel.

The Court states falsely that I entered over 1100 trades. This is simply outrageous. In Compton's accounts, there were 1100 trade EXECUTIONS. There is a huge difference between the number of trades entered and the number of executions. For example, if I enter an order to purchase 1000 shares of a given stock, I have entered ONE trade. That order may be executed in 10 X 100 share blocks. That would be ten executions. Hundreds of the trades that the Court says I entered were multiple executions to complete one trade. Further, Compton entered 100s of trades of her own direction. To state that I entered 1100 trades is pejorative and false. This illustrates how the Court is building a biased narrative in favor of Compton.

The next blatantly false statement by the Court is that I "managed" accounts and that I generated about $1.4million in " fraudulent commissions". I already addressed that I had no management authority. The term "fraudulent commissions" has a number of implications: one is that the commissions were charged as part of a fraud. We have already addressed that Compton was NOT a victim of fraud. Another implication is that no service was provided in exchange for those commissions, or that they were concealed from Compton, or that they were charged in excess. First, Compton received, as does every Merrill Lynch client, an immediate trade confirmation, both in writing and via email, which details all aspects of the transaction. Second, $1.4million over a 6 year period on an account that grew to over $45,000,000 amounted to an annual commission percentage of 1.04%. From 2009-2015, the standard

Merrill Lynch fee was 2% and the average Merrill Lynch client paid between 1.2 and 1.3% annually. Compton was not over-charged. And Compton profited very handsomely in her accounts due in part to my advice. According to Merrill Lynch and independent audits presented at the arbitration Compton earned about $12,000,000 in her accounts at Merrill. This does not include the tax savings on $4 million in deductions which we strategically created to shelter $49,000,000 in capital gains Compton realized from 2009-2015. Nor does the $12,000,000 include the 5% tax free interest on nearly $9,000,000 of Tennessee domiciled bonds she earned from 2015 through 2022. Finally, of the $1,400,000 in commissions that Compton paid, $946,868 was refunded to her from the SEC settlement fund, which I paid for. This leaves a net commission amount of $457,132 on which she earned about $12,000,000 in profit plus the tax savings on $4million of deductions and 5% interest on $9,000,000 in tax free bonds for at least 7 years. And, as is plainly included in the record, the SEC had another $1.9million of my money in the settlement fund that it could have returned to Compton. The SEC determined she did not deserve one more penny and deposited that money into the US Treasury. That the Sixth Circuit would omit all of these salient facts and condemn me for "fraudulent commissions" illustrates the bias in its ruling.

The next blatantly false statement is that "he kept Compton's money in commission- based accounts despite knowing that she would have saved money by using accounts that charged only a management fee." I just addressed this issue in the above section. In addition, I could not anticipate when Compton would choose to place orders that I had not planned on. Her orders for stock trading, Tennessee bond acquisition and aggressive tax swap trading generated over $500,000 in commissions. This is clear in the arbitration record.

The next egregiously false statement by the Court is that "this fraudulent management CAUSED Compton's accounts to underperform the market by about $7million". There was NO "management." Full stop! Second, what market is the Court talking about? Is it a market of stocks? Bonds? Money Funds? Combination of indices? If the Court is talking about stocks, are they aggressive? Conservative? Growth? Dividend producing? The plain fact is, and this is most important, the arbitration record is crystal clear that there was NEVER an analysis done to compare the performance of Compton's assets

to any relevant index. The only analysis done was a calculation prepared by a man who had never served as an expert witness at an arbitration, but who claimed such status for this proceeding. He calculated that if Compton had invested the majority of the $25,000,000 that she chose to keep in money market funds through the bull market of that period into the stock market, she would have made $7million more. That was the only analysis of Compton's portfolio performance. Nothing more. Compton testified that she kept over $25,000,000 in cash despite multiple written proposals by me to recommend more investments in stocks. After seeing the market go up, she filed a claim to make me pay what she could have made in the market had she invested in it. The arbitration panel bought it. The Sixth Circuit made false statements about it.

The next false statement is more opaque at first, but becomes quite clear with explanation. I pled guilty to one count of securities fraud. DOJ identified clients A, B, and C as victims. At sentencing, the DOJ wanted to maximize the alleged over billing of clients so that it could put me in prison for as long as possible. The DOJ had an accountant testify as an expert witness. He stated that he did not adhere to the terms of the Merrill Lynch client agreement in calculating the hypothetical fees clients would have paid. The Merrill contract called for all assets to be included in the calculation of fees. The accountant decided, against the terms of the contract, to eliminate money funds from the asset base on which the fee was calculated. He also decided on his own that if a client had an account in which the commissions paid were less than the hypothetical fee calculated, he would conceal these assets and the concomitant fees from the judge. The accountant presented a chart of about a dozen clients for whom he calculated the alleged loss based on his flawed analysis In Compton's case, this meant using only three of her seven accounts and concealing over $25,000,000 in money fund assets from the judge. Compton claims that these calculations confirm that she was a victim of fraud. They do nothing of the sort. We have discussed the 1.04% commission rate and the $946,868 refund. Compton was not over billed. The Court could not rely on the accuracy of the government's calculations and, as a result, gave me a significantly reduced sentence.

In the section of the Court's ruling about the FINRA Arbitration, the Court makes another false and pejorative statement. It says, "Merrill Lynch settled Compton's claims against it for $5,500,000 and Compton received a payment from the SEC Victim's fund in the amount of $946,868." The

Court glaringly fails to note that the SEC fund was my money, The SEC had $1.9million more it could have awarded to Compton, but the SEC deemed that she did not deserve any more and deposited the $1.9million into the U. S. Treasury.

This narrative forms the backdrop for the Court's decisions in the Federal Court Proceeding. The plethora of blatantly false statements leaves me shaking my head in disbelief. The mandate of a Court of Appeals MUST be to find the truth first and foremost. The power wielded by the Court is awesome. The Court can destroy a life at its whim. I cannot express my abject disappointment in any stronger terms as I read false statement after false statement by the Court.

Given this false narrative by the Court, I did not expect an unbiased legal analysis and I was not surprised. Under the Court proceedings, the Court states "Buck claims the arbitrators decision represents a manifest disregard of the law, yet those words appear nowhere in 10(a)". I included those exact words from FINRA previously, straight from the FINRA LAW FOR VACATEUR. This is crystal clear.

The Court correctly states that vacateur requires that the relevant law be clearly defined and not subject to reasonable debate, and that the arbitrators consciously chose not to apply it. I have no issue with this. I do not have the capability to review all of the cases that could apply to these concepts, and/or determine which would apply to this case. But, as a layman, one has to have some level of confidence that the decisions arrived at by the arbitrators will be fair. Otherwise, one could never agree to arbitration. Knowing now what these people did to my family, I would never have agreed to an arbitration.

Below, I will address each point of law made by the Court and why I believe the blatantly false statements made by the Court defined its ruling, and why the ruling must be reversed.

First, I want to address FINRA rule 12206 (a), because if this is properly followed, all of Compton's claims are time barred, and the rest of this proceeding is moot. FINRA rule 12206 is very simple. It states that "to be eligible for arbitration or mediation, the alleged act resulting in a claim must have taken place within the last six years." Rule 12206 does clearly state that, in the case of allegations of

ongoing fraud from an act over 6 years prior continuing to within the past 6 years, a claim may be filed. The rule is also clear that the date of discovery of an act is not relevant. The salient date is the date of the event. The Court states that "Buck is correct that the occurrences of fraud were more than six years old." The Court betrays its bias by using the erroneous term "fraud" instead of "alleged fraud." Compton herself never alleged any wrong doing within 6 years of filing her claim. There was no finding by DOJ, SEC, or FINRA of any ongoing infraction continuing from an earlier act to within 6 years of her claim. The Court points out that Compton filed her claim within 6 years of discovery, but rule 12206 is clear that the date of discovery is not relevant. In making this statement, the Court grants to Compton a right under the law that does not exist under the law to sue my family when the statute of repose had already expired. The Court may just as well have said that Buck has bad breath in the morning so Compton does not have to follow Rule 12206. The Court identified ongoing fraud as the only reason for Rule 12206 to be modified, admitted that it had not occurred here, but let Compton file a time barred claim anyway. Under this interpretation of Rule 12206, every trade that I executed in every account from February of 1982, when I started in the industry, is subject to a claim filed with FINRA to this very day. The Court clearly put its thumb on the scale of justice in Compton's favor with this ruling. Rule 12206 must be adhered to. If it is, the rest of the proceeding is moot. The Circuit Court CANNOT grant a right to file a claim to one citizen against another when the law does not allow for it!

The next part of the proceeding to address is the $1,860,144 in interest awarded on a non-award. This award flies in the face of all logic and exposes fully the bias of the Court. Well-managed damages can only occur if there is a management relationship in place. This was a collaborative effort,, not a managed account Compton testified that she directed significant trading in her accounts, that she authorized all trades, that she refused to invest over $25,000,000 into the markets despite my pleadings, and accused me of unauthorized trading. There was no managed account. This was a collaborative relationship, with the ultimate decision-making residing with Compton. If you build a house, and tell the builder not to put in a basement, when you move in and discover there is no basement, you cannot sue the builder for not putting in a basement. In this case, the arbitrators exhibited both manifest disregard by identifying well-managed damages where it was impossible to have well-managed damages, and complete irrationality by awarding nearly $2million in interest on an award of 0. Again, the basis for the alleged under-performance was a simple calculation of the profit Compton could have made had she taken money from the money fund and invested in the stock market. Compton made the decision to keep

assets in the money market despite my advice. This was not mis-management or bad advice on my part; it was simply that she refused to allow me to invest more in stocks. And she testified under oath that that was the case. And now she wants the Court to take money from my family and give it to her.

The next issue to address is the $770,269 of compensatory damages. Here, the Court once again betrays its prejudice. First, in order to have to pay compensatory damages, there must be damages to to pay. We just addressed that there were no "well-managed" damages, because there was no management contract. The only other damages that could be contrived would come from commission billing. Even if we were to assume that the 1.04% annual rate, or $1.4million over six years were in fact excessive, the Court MUST recognize that the SEC has already awarded Compton $946,868 in commission refund and determined that she did not deserve one penny more than that. The Court was aware that I funded the SEC fund, but continually chose to omit that fact., again betraying its bias. With these facts no compensatory damages can be charged. I recognize the high bar for vacating an arbitration award, and that this by itself would probably not rise to that level. However, given that the entire case is time-barred, this award must be vacated as well.

Given that no compensatory damages should have been awarded, there should be no reason to discuss the trebling, or quadrupling, of damages. The arbitrators stated they were trebling the $770,269, then multiplied that number by three to quadruple the damages to a total of $3,081,806. The multiple they arrived at was $2,310,806, which is $1 off. Why? I have no idea. This quadrupling of damages is in violation of ICBIA law which only allows for treble damages. The fact that the Court has allowed this to pass shows again how the Court is not following the law and deliberately favoring Compton over my family. And then the Court makes a statement which would be laughable were it not such a betrayal of bias. The Court states that it is conceivable that the arbitrators decided to apply the Merrill Lynch settlement of $5,500,000 and my SEC settlement of $946,868 to a "trebling" factor to arrive at the trebling number. The Court would have us believe that the panel decided to multiply $6,446,868 by 0.35843855 to arrive at the treble damage number of $2,310,806. NO ONE believes that. This should be overturned.

The final point of legal contention has to do with the conviction exception and legal fees. In this

issue, the Court addresses controlling legal authority, and other jargon that no layman could hope to comprehend. What is very simple and very clear is this: I had 592 clients at Merrill Lynch. Merrill Lynch testified to the FBI that 21 of them paid more in commissions than they would have paid had they been on the fee platform. Ms. Compton was NOT one of them. For Merrill Lynch to have so testified speaks volumes. If that testimony was false, Merrill Lynch could have been charged with lying to the FBI, obstruction, and who knows what else. Yet the Court holds that all 571 clients who were NOT victims could hire a lawyer who could charge them $2,585,232. And I would have to pay them all, for a total of $1,476,167,472. This is absurd. It makes no sense. I do not understand all of the legal nuances involved in this stuff, but I do know that NO ONE thinks the law should work like this. Just because someone was a client of mine does not mean that they were in any way "related to the fraud." The Court had to bend over backwards to favor Compton over my family to conclude that anyone who had ever had an account with me could sue me and I would have to pay their legal fees.

At some point, the Court has to make sure that the principle of blind justice is honored. Judges cannot ignore salient facts of a case or make up blatantly false statements to insert into a case in order to willfully and deliberately justify the result of their choosing. Justice cannot be served and our system will crumble if one person is deliberately favored over another. I am requesting that this ruling be overturned and this case be vacated. The Sixth Circuit Court of Appeals made countless blatantly false statements in direct contradiction to the records filed by the DOJ, FBI, SEC, FINRA, and the testimony of Compton, and her so-called expert witness. These false statements created an egregiously false narrative regarding what actually occurred. Please do not pretend that this is not happening all too frequently in our judicial system. After ignoring or changing the facts of the case, the Court resorted to its legal mumbo jumbo, throwing around terms like "non-binding", "controlling legal authority "legal gloss," "high legal bar," "clearly defined legal principle," and so on. And then the Court resorted to flat out mockery. It did all of this to justify its ruling. And in every instance, the Court put its thumb on the scale of justice to favor Compton

In summary, the Sixth Circuit Court has ruled that to this very day, every client who ever did business with me going back over 40 years can file a claim for every trade I ever did in their accounts, that I would have to pay the legal fees of every client who ever had an account with me, that every client

can file a claim for compensatory damages, regardless of whether such damages ever occurred which can be quadrupled in spite of laws prohibiting that, and that I am currently liable for 8% annual interest on non-existent damages from any allegation that an account did not perform to some undefined "market" return going back 40 years, I strongly believe that the Court accepted false information it was given, decided the verdict it would render, and then applied every point of law to justify its ruling.

Through all of its legal machinations, the Court has lost sight of the truth. And the truth is that an extremely wealthy woman, with a net worth well into nine figures, kept over $25,000,000 in money funds during a raging bull market. In hindsight, she wants the profit she could have made had she followed my advice and put the majority into the market. And she wants my family to pay her that money even though they had nothing to do with any of this. She already made over $15,000,000 in profit working collaboratively with me on her accounts. And after receiving $6.5million in settlements, she wants another $7.5million in settlements that she could have made had she just followed my advice. She hired some very expensive lawyers, at $2.5million plus, to create a narrative of skullduggery and deception on my part. That she was just a lamb led to the slaughter. This is not the truth. The truth is that we worked collaboratively and closely on her portfolio. But, the lawyers convinced the arbitration panel to award her the money. And, now, the Sixth Circuit Court of Appeals has created a narrative of false statements found nowhere in the DOJ, SEC, FINRA, or even Merrill Lynch records as the premise for ruling against me. For the court's violations of Brady, Giglio, et.al., this ruling should be overturned. For the Court's manufacture of blatantly false statements regarding this proceeding, this MUST be overturned. And for the unmitigated and brutal destruction of the lives of my innocent family, it is a moral IMPERATIVE that this be overturned. Thank you.

Thomas J Buck

3/12/2024

Signed,

CONCLUSION

The issues in this case that require it to be overturned are very simple. The decision of the Sixth Circuit Court of Appeals was based on a plethora of false allegations provided to the Court, which it chose to accept as fact, and issued its ruling based on the false narrative resulting from those false allegations. The Court was then informed that it had made numerous false statements in rendering its verdict, but the Court chose not to revisit the Case. For this condition alone, the ruling should be reversed. The Court cannot base its ruling on false information, and countless cases have been overturned because of tainted evidence.

In addition, the ruling the Court made flies in the face of any intended meaning of the regulations involved. By the Court's interpretation of rule 12206 (a), a former client of mine could sue me to this very day for a trade I did for him or her when I first became licensed in February of 1982. The Court turned rule 12206(a) completely on its head in this ruling. Likewise, any client who ever had an account with me at any time can claim under RICO that I have to pay his or her legal fees. And I would have to pony up. These rulings are absurd. If the Court is going to uphold this ruling, it needs to announce to the world that these are now the laws. There would be no more securities industry.

Finally, the Court has an obligation to keep in mind the awesome power it can have on the lives of the people it serves. Ruining lives for some cryptic interpretation of a regulation that is contrary to what practically anyone believes is not what judges do. You cannot destroy a life gratuitously. And that is what has happened here. Out of 592 clients, Compton is the only one to access the SEC fund, the only one to go to formal arbitration, the only one to claim mismanagement (falsely), the only one to file a claim for allegations of 11 years prior, the only one to file under RICO or the ICBIA, the only one to deny any responsibility of her own for the decisions she made on her portfolio, and the only one to get a settlement from me through SEC, from Merrill Lynch, and from me through FINRA. She triple-dipped! And the Court bends over backward to bend the law in her favor.

This is simply wrong on so many levels and in the name of All that is Holy in this world, it must be overturned.

Respectfully submitted,