

APPENDIX

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(Exhibit #9, Sub Exh #13,
Clark v Taylor
Western District of Missouri,
Case No. 2:23-cv-04139-SRB)17A

Appendix A – 8th Circuit Court of Appeals
Opinion (July 29, 2024).

United States Court of Appeals
For the Eighth Circuit

No. 23-3566

Terry J. Clark

Plaintiff - Appellant

v.

Debra Anne Taylor; Richard Andrews; Allan Paul Atha;
George Andrew Marriott; Robert G. Harken, Harken Law Firm;
Robert Ray Titus

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: July 24, 2024

Filed: July 29, 2024

[Unpublished]

Before SMITH, SHEPHERD, AND ERICKSON, Circuit Judges.

PER CURIAM.

Terry Clark appeals after the district court¹ dismissed his pro se civil action, concluding that the Rooker-Feldman² doctrine deprived the court of jurisdiction over his claims related to events during the trial of a Kansas state court lawsuit.

Upon careful de novo review of the record and the parties' arguments on appeal, we find no basis for reversal. See Kvalvog v. Park Christian Sho., Inc., 66 E. 4th 1147, 1151-52 (8th Cir. 2023) (standard of review). To the extent Clark raised independent claims that did not challenge the state court's judgment, we conclude his claims were precluded by collateral estoppel. see also Bechtold v. City of Rosemount, 104 E.3d 1062, 1065 (8th Cir. 1997) (appellate court may raise preclusion issue sua sponte). Clark's claims sought to relitigate issues that were conclusively determined in the Kansas lawsuit. See Life Invs. Ins. Co. of Am. v. Corrado, 804 F.3d 908, 913 (8th Cir. 2015) (preclusion effect is governed by first forum's law); see also Miller v. KVC Behavioral Healthcare, 506 P3d295, 297-98 (Kan. Ct. App. 2022) (res judicata includes issue preclusion or collateral estoppel, which prevents relitigation in different claim of issues conclusively determined in prior action; B.E. V. Pistotnik, No. 124,400, 2022 WL 4391063, at *5-6 (Kan. Ct. App. 2022) (unpublished per curiam) (collateral estoppel barred claims alleging agreement was fraudulently signed, as factual assertions had been resolved against plaintiff in prior lawsuit).

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

²See Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923); D.D. Ct. of appeals v. Feldman, 460 U.S. 462 (1983).

The judgment is affirmed. See 8th Cir. R. 47B.

Appendix B – District Court Judgment:

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

TERRY J. CLARK,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	23-cv-04139-SRB
)	
DEBRA ANNE TAYLOR,)	
et al.,)	
)	
Defendants.)	

ORDER

Before the Court is Plaintiff Terry Clark's ("Clark") pro se Motion Rule 59(e), Alter or Amend a Judgment. (Doc. #19.) For the reasons set forth below, the motion is DENIED.

In an Order dated October 2, 2023, the Court dismissed this case for lack of subject-matter jurisdiction under the Rooker-Feldman doctrine. In relevant part, the Order explained that:

The claims asserted by Clark arise from alleged perjury and related misconduct in the Kansas [state court] trial. For example, Clark alleges that Taylor

committed perjury by testifying she did not sign a General Contractor Contract, and did not sign an Affidavit that were introduced at trial. Clark alleges the Kansas court 'relied on [the] perjury to rule against' him. Clark asserts similar allegations against the other named defendants. Clark expressly seeks a monetary award in the amount he sought in the Kansas lawsuit, plus the amounts awarded against him. The misconduct alleged by Clark, including perjury, is an issue that counsel should have raised at trial and/or on appeal. Subject-matter jurisdiction, as found in the Rooker-Feldman doctrine, does not allow the United States District Court to re-open these issues and second guess state court decisions.

(Doc. #15, pp. 4-5) (citations, quotation marks, and alterations omitted).¹

1 As set forth above, the Court made these rulings with respect to the "named defendants." (Doc. #15, p. 4.)

Consequently, this case was dismissed and closed as to all named defendants. Case 2:23-cv-04139-SRB Document 21 Filed 10/26/23 Page 1 of 3

2 Clark now moves to alter or amend the dismissal of this case under Federal Rule of Civil Procedure 59(e). Clark argues the October 2, 2023 Order "is in error on all of its points and conclusions." (Doc. #20, p. 6.) In part, Clark contends the Kansas state court did not allow him to "produce evidence showing Defendant[] Taylor had committed perjury." (Doc. #20, p. 8.) Clark further contends that "these 6 defendants were not parties to the Kansas State case.

These defendants are sued on different claims.” (Doc. #20, p. 20.) Rule 59(e) allows a party to move “to alter or amend a judgment” if filed “no later than 28 days after the entry of judgment.” Fed. R. Civ. P. 59(e). “Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” *United States v. Metro. St. Louis Sewer Dist.*, 440 F.3d 930, 933 (8th Cir. 2006)(citations omitted). “Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.”

Id. (citations omitted).

“A district court has broad discretion in determining whether to grant or deny a motion to alter or amend judgment pursuant to Rule 59(e)[.]” *Id.* Upon review, the Court finds no basis to alter or amend the dismissal of this case. Clark alleged that all named defendants engaged in various forms of misconduct relating to the underlying Kansas state case. Clark requested a monetary award in the amount he sought in the Kansas lawsuit, plus the amounts awarded against him. As explained in the October 2, 2023 Order, the Court lacks jurisdiction over these allegations and requested relief. Clark’s pending motion does not alter this conclusion. Clark has also failed to show he could not raise the alleged misconduct in Kansas courts through “post-trial motion(s) and/or on appeal.” (Doc. #15, p. 5.) Case 2:23-cv-04139-SRB Document 21 Filed 10/26/23 Page 2 of 3 3

Consequently, it is hereby ORDERED that Plaintiff’s Motion Rule 59(e), Alter or Amend a Judgment (Doc. #19) is DENIED. This case remains closed and dismissed as to all defendants.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff at his last known address.

IT IS SO ORDERED.

/s/ Stephen R. Bough

STEPHEN R. BOUGH

UNITED STATES DISTRICT JUDGE

Dated: October 26, 2023 Case 2:23-cv-04139-SRB

Document 21 Filed 10/26/23 Page 3 of 3

The 8th Circuit erred in its conclusion.

The Court of Appeals took an improperly narrow view.

Review is needed to clarify and ensure uniformity on Fundamental Exceptions of Rooker-Feldman over the entire country to have uniform justice nationally to insure Justice.

INTRODUCTION

The 8th Circuit Court of Appeals entered an order sustaining the Federal District Courts Order Granting Defendant's Motion to Dismiss. The 8th Circuit must not have read the part of my Appeal that states:

Original Complaint -Western District of Missouri, (Case No. 2:23-cv-04139-SRB.).

"Additionally all 7 defendants were not part of the Kansas Case other than 4 witnesses, 2 attorneys and 1 LLC."

An easy way to prove the District Court and the 8th Circuit are both wrong is to look at the dates on Forensic Document Examiners Affidavits dates Exhibit #6 on the District Court files sub Exhibits # 5, #6, #7, #8. (Clark v Taylor, Western District of Missouri District Court Record, Case No. 2:23-cv-04139-SRB). Appendix J, exhibits are dated after the trial, therefore they could not have been in the original trial (Kansas State Court 19cv04727).

Appendix J: 2, 3

The District Court said:

"The misconduct alleged by Clark, including "[p]erjury[,] is an issue that . . . counsel should have raised at trial and/or on ."

Plaintiff disagrees. Plaintiff/Petitioner tried to get an Affidavit in the case showing one witness committed perjury on the last day of trial.

Taylor Testimony:

"Q. Do you recognize Exhibit 145 from defendants?

A. Yes.

Q. It says the "Affidavit of Debra Taylor"?

A. Uh-huh, yes.

Q. All right. If we go to the third page, is that your signature?

A. It appears to be my signature, yes.

Q. Did you ever sign this affidavit?

A. No. I never saw this affidavit.

Q. Terry Clark never gave this affidavit for you to sign so he could file it in the Terry Clark v. Time, Inc., case?

A. No. It's not even true. It doesn't even list my college degree properly."

(Exhibit #4, sub Exh # 3 transcript on Debrah Taylor 9-2-2021, pgs 88,89),, (Deba Taylor verification on Federal Affidavit, #145, Exhibit #6 on the record. (Exhibit #6, # 145, Clark v Taylor, Western District of Missouri District Court Record, marked as #6 Case No. 2:23-cv-04139-SRB). Appendix E.

Plaintiff/Petitioner did try to raise the issue and was denied because the Kansas Court was out of time. (Trial date 11-2-2021 Judge did not allow the Notary to testify and refused to let the Notary Affidavit and Notaries Book in as evidence because the court was out of time. (Exhibit #5, Sub Exh #4,,pg 106, Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB).Appendix H.

"THE COURT: All right. So she's available to testify.

MR. HAMMOND: Yeah. Not right now. MR. HARKEN: Well -- MR. HAMMOND: Yeah.

THE COURT: Well, when? MR. HAMMOND: If we could just schedule a time is what -- all I'm asking.

THE COURT: I'm not going to allow that. We've got to be done. This case was supposed to be submitted in two days. We're on day four. You've gone way over the line."

(Federal Court Exhibit #5, Sub Exh #4, pg 106, Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix H.

District Court Appendix B continues:

"6. Clark could have raised such issues in post-trial motion(s) and/or on appeal." (Appendix B-Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB).

As anyone can read above, the Kansas Court refused to let an Affidavit in because there was no time. The Court certainly was not going to let 7 new Defendants, nor any more issues in.

BACKGROUND AND FACTS

(Appellate Case: 23-3566 Page: 1 Date Filed:
07/29/2024 Entry ID: 5417849

Appellate Case: Appellant # 24-127-092 Kansas
Court of Appeals).

Case 2:23-cv-04139-SRB Document 15 Filed
10/02/23 Page 1 of 6.)

Judgment January 5th , 2023, Final Judgment
filed July 11, 2033 partially against

Terry Clark v RHF 1, LLC Kansas State District
Court 19-cv-04727 Partial Clark.

CONCLUSION

The Circuits are divided with the 8th Circuit in direct conflict with Circuits 2, 3, 4, 5, 6, 7, 9.

The 8th Circuit will not accept any exceptions to Rooker-Feldman. “

“The Eight Circuit has stated that there are “multiple problems” with a fraud exception to Rooker-Feldman and that it is “unwilling to create piecemeal exceptions to Rooker-Feldman.” 151 It concluded RookerFeldman should be applied broadly because the issue of “whether a state court judgment should be subject to collateral attack or review is an issue best left to the state courts.” 152 At least one district court within the Eighth Circuit has also declined the opportunity to adopt a fraud exception to Rooker-Feldman. 153”

FEDERAL COURTS LAW REVIEW [Vol. Volume 5, Issue 2 2011.

The first thing the Supreme Court should look at is the seven different Defendants in the Clark v. Taylor District Court of Missouri case 2:23-cv-04139-SRB, 8th Circuit Court of Appeals case # 23-3566. Terry Clark v. RHF 1, LLC Kansas State Court 19cv04727. These are two different cases with two different Petition/Complaint. The seven Defendants in the Clark v Taylor case are trying to avoid the consequences of their actions in testifying in the Clark v. RHF 1, LLC.

The six witnesses in Terry Clark v. Debrah Taylor et al.

The issues complained by Clark v. Taylor were not heard in the Kansas case because they happened in the case as testimony went along. One Defense witness and clients of Harken committed perjury on

the last day of trial making it impossible to bring in the experts to show Marriott had committed perjury. Last but not least Clark was denied Due Process on the last day as shown above the Court refusing to let a Notary from Taylors bank bring in an Affidavit which would have impeached Taylor and Taylor's Lawyers Defendants Harken and Titus suborn Perjury.

PLAINTIFFS' FIRST AMENDED COMPLAINT

(THIS ACTION IS BROUGHT AGAINST ALL DEFENDENTS FOR ABUSE OF PROCESS, VIOLATION OF PLAINTIFFS' CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS 1ST THRU 9TH AMENDMENTS AND 14TH AMENDMENT VIOLATIONS OF PRIVACY, FALSE LIGHT, DUE PROCESS, SECURE IN PAPERS, SECURE IN PLAINIFFS HOME, SLANDER, PERJURY, FRAUD, CONSPIRACY UNDER USC 18 U.S.C. § 1623. K.S.A. 21-5903, 21-5905, 21-5908, 21-5909, 21-5910, KANSAS STATUTES ANNOTATED 21-3302, 21-6327 KANSAS RACKETERR INFLUENCED AND CORRUPT ORGANIZATION

ACT. K.S.A. 2021 SUPP. 21-6327 THROUGH 21-6331, AND AMDNEMENTS THERETO, SHALL BE KNOWN AND MAY BE CITED AS THE KANSAS RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT) (KANSAS RICO ACT).

18 U.S.C. § 1964 - U.S. Code - UNANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
§ 1961994 US Code Title 18 - CRIMES AND
CRIMINAL PROCEDURE

PART I - CRIMES CHAPTER 96 - RACKETEER
INFLUENCED AND CORRUPT ORGANIZATIONS

Sec. 1964 - CIVIL REMEDIES. CIVIL
REMEDIES145. (Clark v Taylor Western District of
Missouri, Case No. 2:23-cv-04139-SRB),

These are not the same charges in Clark v RHF 1,
LLC Kansas 19-cv-04727. The Plaintiff/Appellant
Clark did not ask the District Court to look at the
Judgment in the Kansas Case. In fact, Appellant/
Clark specifically ask the district Court to not look at
the Kansas Case. The District Court created items
that would conflict with the Kansas Case and were
directly against what Plaintiff Clark specifically
avoided.

For these reasons and more stated above The
United States Supreme Court should order a set of
guide lines to get all the Circuit Courts on the same
page and remand this case back to the lower Courts
in the pursuit of Justice.

Counts: # 18-32. COUNT II DEFENDANTS ALL
TOOK PART IN THE VIOLATION OF PLAINTIFFS
CONSTITUTIONAL RIGHTS AND CIVIL RIGHTS

Counts: # 33-56. Pay particular attention to # 43,
44, & 45. (Exhibit #27, Sub Exhibit # 145 (Clark v
Taylor Western District of Missouri, Case No. 2:23-
cv-04139-SRB), is an Affidavit that Defendant Taylor
denies signing and also denies ever seeing.
Appendix K.

“Q. Do you recognize Exhibit 145 from
defendants?

A. Yes.

Q. It says the "Affidavit of Debra Taylor"?

A. Uh-huh, yes.

Q. All right. If we go to the third page, is that
your signature?

A. It appears to be my signature, yes.

Q. Did you ever sign this affidavit?

A. No. I never saw this affidavit.

Q. Terry Clark never gave this affidavit for you to sign so he could file it in the Terry Clark v. Time, Inc., case?

A. No. It's not even true. It doesn't even list my college degree properly."

TT: (Exhibit #4, Sub Exh #3, pages 88,89, Western District of Missouri, Case No. 2:23-cv-04139-SRB), Appendix E. The only reason for showing this is to show that there were Constitutional violations of 5th and 14th Amendments that need to be remanded back.

Appendix F- (Exhibit #6, Sub Exh #8, Western District of Missouri, Case No. 2:23-cv-04139-SRB) in the file is the Forensic Document Examiner certifies Taylor did sign the Notarized Affidavit). Appendix F.

This is an exception to Rooker-Feldman, Perjury.

(Exhibit #11 pages 153-156, Kansas Court of Appeals # 24-127-092 Clark v RHF 1, LLC). Appendix I. Notary Affidavit and Notary Book showing info to confirm Taylor did sign the Affidavit (Exhibit # 27 Sub Exhibit # 145, Clark v Taylor et al, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix K. The Kansas Court would not let this in this Notary Affidavit in the Kansas Trial violating the 5th and 14th Amendments.

More perjury which is an exception to Rooker-Feldman and should be remanded back to the lower Courts.

RACKETEERING

Counts: # 57-82. Shows the perjury, conspiracy, racketeering. DEFENDANT RICHARD ANDREWS GENERAL CONTRACTOR PERJURY COMPLAINT AND CONSPIRACY PURSUANT TO K.S.A. 21-5903.

Counts: # 83-95. Defendant Richard Andrews was and is the General Contractor for the project. The Forensic Document examiner Patricia Hale says so in her Affidavit, (Exhibit #6, Sub Exhibit #6, Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix G.

The Architect Defendant Alan Atha says Andrews was the General Contractor on (Exhibit #9, Sub Exh #13 Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix L.

Appendix City of Overland Park, Kansas building permit issued to Andrews Construction.

More perjury by Defendant Andrews. Suborn by Defendants Harken and Titus.

James Brown Building Official with the City of Overland Park, Kansas testified that Andrews was the General Contractor.

“Q. Okay. Did you know who the general contractor was on this project?

A. Mr. Andrews?”

Appendix M, (Exhibit #5, Sub Exh #4, page 88, Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB).

(The Forensic Document examiner verified the signature of Taylor on Exhibit #27, Sub Exh #145.) Appendix K. (, Exhibit #6, Sub Exhibit #8, Clark v

Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix F.

DEFENDANT ALAN ATHA ARCHITECT
PERJURY COMPLAINT

PURSUANT AND CONSPIRACY TO K.S.A. 21-5903

Counts: # 96—117. Defendant Alan Atha perjured himself in many places in the record. All the documents prove Atha was lying. There isn't one document that shows Atha to be telling the truth. In fact all documents prove Atha is lying and participating in the Fraud, Perjury, Conspiracy, Racketeering, and Abuse of Process.

DEFENDANT GEORGE MARRIOTT ROUGHIN
CARPENTER SUPERVISOR FOR HIS ABUSE OF
PROCESS, PERJURY AND CONSPIRACY
COMPLAINTS PURSUANT TO K.S.A. 21-5903.

Counts: # 118-125. Defendant George Marriott committed perjury, and it is proven by Forensic Document Examiner Katherine Koppenhaver Affidavit. (Exhibit #9, Sub Exh #15, Clark v Taylor, Western District of Missouri, Case No. 2:23-cv-04139-SRB). Appendix N.

THE FRAUD COMPLAINT AGAINST ALL
DEFENDANTS 18 U.S.C. § 1001,

§1349. ATTEMPT AND CONSPIRACY

Counts: # 126-128. Fraud is proven in this case time and again.

COMPLAINT OF CONSPIRACY AGAINST ALL DEFENDANTS

KANSAS STATUTES ANNOTATED 21-5302,

Counts # 129-136. All Defendants have been proven guilty of Conspiracy.

Complaint of Racketeering Against all Defendants

21-6327. Kansas racketeer influenced and corrupt organization act. K.S.A. 2021 Supp. 21-6327 through 21-6331, and amendments thereto, shall be known and may be cited as the Kansas racketeer influenced and corrupt organization act (Kansas RICO act).

18 U.S.C. § 1964 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1964. Civil remedies

Counts: # 137-138. The elements of Civil RICO are proven in the Complaint.

Missouri District Court Judgment continues:

Fourth, the state-court judgment must have been "rendered before the district court proceedings commenced" — i.e., *Rooker-Feldman* has no application to federal-court suits proceeding in parallel with ongoing state-court litigation.

“7. Under all these circumstances, “[i]t would be impossible for [this Court] to resolve [Clark’s] claims . . . without calling into question the state court judgment in favor of [RHF 1].”

Plaintiff disagrees, Plaintiff/Petitioner does not want the Kansas case opened at all. The Court is in error on all of its points and conclusions and Plaintiff will show why in the remainder of the brief. These are excerpts from the District Court Judgment.

Excerpts from the ruling by the: “(8th Cir. 2023) (standard of review). To the extent Clark raised

independent claims that did not challenge the state court's judgment, we conclude his claims were precluded by collateral estoppel. See *id.* at 1152-53 (Rooker-Feldman does not bar jurisdiction if plaintiff presents some independent claim, albeit one that denies legal conclusion that state court reached; concluding collateral estoppel barred claim alleging witness violated federal rights and state law by making false statements in report and testimony in prior trial); see also *Bechtold v. City of Rosemount*, 104 F.3d 1062, 1065 (8th Cir. 1997)"

The 8th Circuit admits that (Rooker-Feldman does not bar jurisdiction. Plaintiff did present many independent claims. There is no collateral estoppel barred claim.

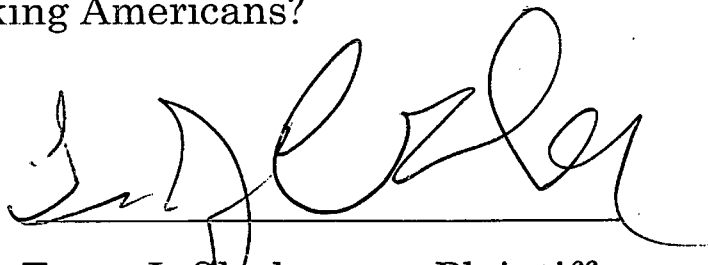
The 8th Circuit is being disingenuous with this citation. The claims were presented before another administrative body to create Estoppel that did not happen in *Clark v Taylor et al.* The claims in (8th Circuit 23-3566).

"[T]he res judicata effect of the first forum's judgment is governed by the first forum's law, not by the law of the second forum." See *Hillary v. Trans World Airlines, Inc.*, 123 F.3d 1041, 1043 (8th Cir. 1997) (internal quotation marks omitted). Under Fourth Circuit law, issue preclusion requires Life Investors to establish five elements: "(1) the issue precluded must be identical to one previously litigated; (2) the issue must have been actually determined in the prior proceeding; (3) determination of the issue must have been a critical and necessary part of the decision in the prior proceeding; (4) the prior judgment must be final and valid; and (5) the party against whom estoppel is asserted must have had a full and fair opportunity to

litigate the issue in the previous forum.” *Ramsay v. U.S. INS*, 14 F.3d 206, 210 (4th Cir.1994).” The 8th Circuits own citation “See *Life Invs. Ins. Co. of Am. v. Corrado*, 804 F.3d 908, 913 (8th Cir. 2015)”

Five items must be met to (1) this citation from the 4th Circuit fails on the first item. (2) this issue has not been determined in any Court. (3) it is a critical part of the cases. (4) The prior judgment is not final. (5) There has not been a full and fair opportunity to litigate. No litigation has taken place on the issues raised in *Terry Clark v Debra Taylor et al.*

If we follow the logic of the District Court of Western Missouri or the 8th Circuit Court then there can only be one lawsuit filed by anyone on any case and lose. Then on this project for instance if the plumber put sewage pipes in backward and years later it is found out, before the Statute of Limitations expires, no other suit can ever be filed by the previous Plaintiff. Is that justice? Is this the system we want. Send the message if you can Lie, Commit Fraud, Abuse of Process, Conspire, Racketeering. Do we really want the most scandalous among us ripping off hard working Americans?

A handwritten signature in black ink, appearing to read 'Terry J. Clark', written over a horizontal line.

Terry J. Clark pro se Plaintiff
Box 405
Sunrise Beach, Missouri 65079
573 789 0670
clark.terry45@yahoo.com