

APPENDIX A

Case:18-13553 Date Filed: 08/12/2019

Page: 1 of 8

[DO NOT PUBLISH]

**IN THE UNITED STATES COURT OF
APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 18-13553 Non-Argument Calendar

Docket No. 1:17-cv-01181-TWT

WILLIAM JAMES, Sui Juris, TERRI V.

TUCKER, Sui Juris, a.k.a. Terri V. Donald-

Strickland, a.k.a. TLo-Redness,

Plaintiffs-Counter

Defendants-Appellants,

versus

BARBARA HUNT, JUDGE THOMAS W.

THRASH, JR.,

Defendants-Appellees,

HARPO, LIONSGATE ENTERTAINMENT,

OPRAH WINFREY NETWORK, (OWN)

OPRAH WINFREY, d.b.a. Oprah Winfrey

Network, TYLER PERRY COMPANY, TYLER

PERRY STUDIOS (TPS), TYLER PERRY, a.k.a.

Emmett Perry Jr., a.k.a. Emmett J. Perry, a.k.a.

Buddy, a.k.a. John Ivory, a.k.a. Emmett M.

Perry, et al.,

Defendants-

Counter/Claimants-

Appellees.

Appeal from the United States District Court for
the Northern District of Georgia

(August 12, 2019)

Before WILLIAM PRYOR, GRANT and BLACK,

Circuit Judges. PER CURIAM: William James

and Terri V. Tucker appeal pro se the district court's orders: (1) granting summary judgment to Defendants on their counterclaims under the All Writs Act, 28 U.S.C. § 1651(a), against Plaintiffs in their underlying lawsuit, issuing an All Writs Act injunction against Plaintiffs, and denying Plaintiffs' motion for judgment; and (2) denying Plaintiffs' petition for a writ of mandamus, denying their motion for reconsideration, and granting their motion for appeal. After review, we affirm.

Case: 18-13553 Date Filed: 08/12/2019

Page: 3 of 8

I. BACKGROUND

Briefly, this appeal concerns ongoing litigation originally initiated when Plaintiffs filed a pro se complaint against Lionsgate Entertainment (Lionsgate), Tyler Perry, Tyler Perry Company, Tyler Perry Studios (collectively, the Perry Defendants), Oprah Winfrey, Oprah Winfrey Network, and Harpo, Inc. (collectively, the Winfrey Defendants), raising claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), pursuant to 18 U.S.C. §§ 1961 and 1964, the U.S. Copyright Act, 17 U.S.C. § 501, and numerous other state and federal laws, seeking damages and other relief.

Their essential claim was that these Defendants criminally plagiarized and/or infringed Tucker's copyrighted book and James's copyrighted screenplay through creating and distributing two Tyler Perry movies. The district court eventually ruled on several dispositive motions, resulting in the effective dismissal of all

of Plaintiffs' pending claims. Plaintiffs then filed an appeal in this Court (Case No. 17-14866), and we affirmed the district court's rulings on several preliminary and dispositive motions. *James v. Hunt*, 761 F. App'x 975 (11th Cir. 2019). In the meantime, Plaintiffs filed a petition for writ of mandamus, a motion objection to and seeking reconsideration of the orders that were the subject of the then-ongoing appeal, and a "Joint Application to Appeal from All Orders and Final

Case: 18-13553 Date Filed: 08/12/2019

Page: 4 of 8

Order Rule 54(b)." Following Defendants' responses, the district court issued an order: (1) denying Plaintiffs' petition for a writ of mandamus; (2) denying their motion for reconsideration; and (3) granting in part their joint application to appeal to the extent they could appeal as of right, and otherwise denying the joint application (Mandamus Order). Following the first appeal, the Lionsgate/Perry/Winfrey Defendants filed in the district court a Fed. R. Civ. P. 56 motion for summary judgment on several of their counterclaims for injunctive relief. Specifically, they requested that Plaintiffs be barred from filing any more lawsuits, in either state or federal court, against them based on the same facts and activities, which had formed the basis of numerous prior unsuccessful lawsuits against them.

The district court eventually granted this motion and imposed a filing injunction against

Plaintiffs (Injunction Order). The instant appeal followed.

II. DISCUSSION

Before addressing the substance of the issues on appeal, it is necessary for us to clarify which of the district court's orders are properly before us. Plaintiffs designate in their notice of appeal, and in their appellate brief, that they are seeking to appeal from all of the district court orders within Documents 1 through 169. They raise 30 "issues" on appeal essentially arguing error as to: (1) the district court's preliminary orders, Docs. 15, 71, 76, 95, 96; (2) the court's earlier orders

Case: 18-13553 Date Filed: 08/12/2019

Page: 5 of 8

which were the subject of Case No. 17-14866—cumulatively granting and denying Defendants' pending motions, denying Plaintiffs' pending motions, and dismissing Plaintiffs' claims against Defendants, Docs. 124-39; and (3) their attempts at consolidating the instant appeal with the Case No. 17-14866. However, only the district court's Mandamus Order and Injunction Order are properly before us in the instant appeal. We already have reviewed and ruled upon the district court's prior orders in Case No. 17-14866 and have denied Plaintiffs' motions to consolidate.

Our holdings and rulings from the prior appeal are binding on this appeal under the law-of-the-case doctrine and we decline to readdress

any issues related to those previously reviewed and ruled upon orders. *United States v. Anderson*, 772 F.3d 662, 668 (11th Cir. 2014) (“The [law-of-the-case] doctrine provides that “[a]n appellate decision binds all subsequent proceedings in the same case.” (quoting 18B Wright, Miller & Cooper, *Federal Practice & Procedure* § 4478 (2d ed. 2002))).

We similarly decline to address any issues that could have been raised in the prior appeal but were not. See *United States v. Escobar-Urrego*, 110 F.3d 1556, 1560 (11th Cir. 1997) (concluding that the law-of-the-case doctrine applied both to issues actually raised in a prior appeal and to issues that could have, but were not, raised in a prior appeal). To the extent Plaintiffs seek review of any order issued by the district court after they filed the instant notice of appeal, we do not have jurisdiction to review

Case: 18-13553 Date Filed: 08/12/2019

Page: 6 of 8

any such orders, as they failed to file a new or amended notice of appeal designating those orders. See Fed. R. App. P. 3(c)(1)(B) (“The notice of appeal must . . . designate the judgment, order, or part thereof being appealed”); *Osterneck v. E.T. Barwick Indus., Inc.*, 825 F.2d 1521, 1528 (11th Cir. 1987) (“The general rule in this circuit is that an appellate court has jurisdiction to review only those judgments, orders or portions thereof which are specified in an appellant’s notice of appeal.”). Accordingly, our review in this appeal is limited to the district court’s

Mandamus Injunction Orders. Plaintiffs, however, fail to properly raise any arguments with regard to these orders. Instead, Plaintiffs' brief on appeal focuses almost exclusively on issues related to district court orders that, as discussed above, are not properly before us in the instant appeal.

In particular, as noted above, the brief focuses primarily on the district court's preliminary and dispositive orders we addressed in Case No. 17-14866, and on Plaintiffs' attempts to consolidate the instant appeal with that case. While we read pro se briefs liberally, issues not briefed on appeal by a pro se litigant are deemed abandoned and will not be considered. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). A party abandons a claim or issue on appeal that is not plainly and prominently addressed in its brief. *Brown v. United States*, 720 F.3d 1316, 1332 (11th Cir. 2003). The party must go beyond making passing

Case: 18-13553 Date Filed: 08/12/2019

Page: 7 of 8

references to the claim under different topical headings, and must clearly and unambiguously define the claim and devote a distinct section of his argument to it. *Id.*; *United States v. King*, 751 F.3d 1268, 1277 (11th Cir. 2014) (explaining that terse statements or arguments in passing are insufficient to save an issue from abandonment). Similarly, an argument is abandoned if the appellant raises it in a perfunctory manner without any substantive

arguments or authority. *Old W. Annuity & Life Ins. Co. v. Apollo Grp.*, 605 F.3d 856, 860 n.1 (11th Cir. 2010). As to the Mandamus Order, even applying a liberal construction, Plaintiffs make only passing references to their mandamus petition, motion for reconsideration, joint application for appeal, and the court's ruling, and they fail to dedicate any discrete section of their brief on appeal to any of these motions or the court's order.

Such passing references are insufficient to properly raise any issue concerning this order. See *King*, 751 F.3d at 1277. As to the Injunction Order, the only argument Plaintiffs even arguably raise in a proper fashion is their apparent claim that the district court abused its discretion in granting Defendants' summary-judgment motion because the motion was not timely filed. But while the brief includes discussion of this argument, Plaintiffs cite to no law other than Fed. R. Civ. P. 54 and 56, and they fail to devote a distinct section of their brief to this matter, instead providing a relatively brief

Case: 18-13553 Date Filed: 08/12/2019

Page: 8 of 8

discussion under various other topical headings. See *King*, 751 F.3d at 1277; *Apollo Grp.*, 605 F.3d at 860 n.1; *Brown*, 720 F.3d at 1332. To the extent that Plaintiffs raised new arguments in their reply briefs, we will not address them. See *Timson*, 518 F.3d at 874 (“[W]e does not address arguments raised for the first time in a pro se litigant’s reply brief.”).

III. CONCLUSION

Because Plaintiffs have abandoned any issues on appeal as to those orders that are properly before us by failing to plainly and prominently address such issues in their brief, no substantive questions remain before us, and we affirm. **AFFIRMED**

APPENDIX B

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 1 of 9**

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al.,
Plaintiffs,
v.

CIVIL ACTION FILE
NO. 1:17-CV-1181-
TWT

BARBARA HUNT, et al.,
Defendants.

ORDER

This is a pro se civil RICO action. It is before the Court on the Defendants' Motion for Summary Judgment [Doc. 157] and the Plaintiffs' Motion for Judgment [Doc. 162]. For the reasons set forth below, the Defendants' Motion for Summary Judgment [Doc. 157] is GRANTED and the Plaintiffs' Motion for

Judgment [Doc. 162] is DENIED. I. Background the Plaintiffs William James and Terri V. Tucker have asserted patently frivolous copyright infringement claims against the Defendants in a series of proceedings in various courts over the course of five years. Each of these actions arises from the same factual allegations. Tucker claims that the Tyler Perry film “Good Deeds” infringed upon the copyright in her book “Bad Apples Can Be Good Fruit.” Similarly, James alleges that the Tyler Perry film “Temptation:

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 2 of 9**

Confessions of Marriage Counselor” infringed upon the copyright in his screenplay script titled “Lovers Kill.” This is the third action arising out of these allegations that Tucker has filed, and the second action that James has filed. Tucker has previously lost actions arising from these claims in both the Southern District of New York and this Court. James also previously lost a case asserting these allegations in the Northern District of Indiana. Now, the Plaintiffs have filed yet another action arising from this set of facts in this Court. This time, however, they reconfigured their copyright claims as civil RICO claims. They also added Harpo, Inc., Oprah Winfrey, Oprah Winfrey Network, and Barbara Hunt as defendants. The Court dismissed the claims against Barbara Hunt due to lack of personal jurisdiction.¹

¹ See [Doc. 136].

The Court also granted the Defendants' Motion for Judgment on the Pleadings as to the remaining Defendants, finding that the Plaintiffs' claims were frivolous and barred by res judicata.² The Plaintiffs have since appealed that ruling. The Defendants now move for summary judgment as to their counterclaim. In their counterclaim, the Defendants seek an injunction barring the Plaintiffs from instituting any further legal actions in any courts based on the facts and activities alleged in the previous lawsuits filed by the Plaintiffs.³ The Plaintiffs

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 3 of 9**

have also filed a Motion for Judgment, asserting the same arguments this Court and other courts have already rejected. II. Legal Standard Summary judgment is appropriate only when the pleadings, depositions, and affidavits submitted by the parties show no genuine issue of material fact exists and that the movant is entitled to judgment as a matter of law.⁴

The court should view the evidence and any inferences that may be drawn in the light most favorable to the nonmovant.⁵ The party seeking summary judgment must first identify grounds to show the absence of a genuine issue of

² See [Doc. 138].

³ See [Doc. 33] at 14-16.

⁴ FED. R. CIV. P. 56(a).

⁵ *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 158-59 (1970).

material fact.⁶ The burden then shifts to the non-movant, who must go beyond the pleadings and present affirmative evidence to show that a genuine issue of material fact exists.⁷ “A mere ‘scintilla’ of evidence supporting the opposing party’s position will not suffice; there must be a sufficient showing that the jury could reasonably find for that party.”⁸ III. Discussion A. Plaintiffs’ Motion for Judgment First, the Plaintiffs move for entry of judgment in their favor. The

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 4 of 9**

Plaintiffs’ Motion, which is largely repetitive, unintelligible, and lacking a basis in reality, seems to be another attempt to relitigate this Court’s previous orders dismissing their claims.⁹ This Court has already dismissed the Plaintiffs’ claims against Barbara Hunt for lack of personal jurisdiction,¹⁰ and granted the remaining Defendants’ Motion for Judgment on the Pleadings.¹¹ This Court previously concluded that the Plaintiffs’ claims, which are not only frivolous but ludicrous, fail to state a plausible claim for relief. The Court also rejected the Plaintiffs’ Motion for Reconsideration.¹²

⁶ Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986).

⁷ Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 257 (1986)

⁸ Walker v. Darby 911 F.2d 1573, 1577 (11th Cir. 1990)

⁹ See Pls.’ Mot. for J., at 8-10 (arguing that the Defendants are liable for damages under RICO).

¹⁰ See [Doc. 136].

¹¹ See [Doc. 138].

¹² See [Doc. 154].

The Court will not further entertain the Plaintiffs' attempts to relitigate issues which it has conclusively ruled upon. This is just another attempt to argue the merits of claims that this Court has already dismissed. Furthermore, the Plaintiffs have already filed a Notice of Appeal. Thus, this Court no longer has jurisdiction over the Plaintiffs' claims.¹³ The Plaintiffs' Motion for Judgment is consequently denied. B. Defendants' Motion for Summary Judgment Next, the Defendants move for summary judgment as to them

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 5 of 9**

counterclaim against the Plaintiffs. In their counterclaim, the Defendants seek an injunction under the All Writs Act enjoining the Plaintiffs from filing future lawsuits based on the same alleged factual predicate for this action and the previous related actions.¹⁴ According to the Defendants, the Plaintiffs are abusive litigants who have asserted baseless copyright infringement claims against them in various courts over the past five years, despite numerous judgments dismissing those claims.

The Defendants contend that an injunction barring the Plaintiffs from filing new actions based upon these allegations is necessary

¹³ Taylor v. Sterrett, 640 F.2d 663, 667 (11th Cir. 1981) (“It is the general rule that a district court is divested of jurisdiction upon the filing of the notice of appeal with respect to any matters involved in the appeal.”).

¹⁴ See [Doc. 33] at 14-16.

due to the Plaintiffs' refusal to stop asserting these same claims.¹⁵ "Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions."¹⁶ "The All Writs Act is a codification of this inherent power and provides that '[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."¹⁷ "[T]he Act allows [courts] to safeguard not only ongoing proceedings, but potential future proceedings, as well as already-issued orders and

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 6 of 9**

judgments."¹⁸ District courts have the power under the All Writs Act "to enjoin litigants who are abusing the court system by harassing their opponents."¹⁹ This is because "[a] litigious plaintiff pressing a frivolous claim, though rarely succeeding on the merits, can be extremely costly

¹⁵ Defs.' Mot. for Summ. J., at 8-12.

¹⁶ *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986).

¹⁷ *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 F. App'x 940, 942 (11th Cir. 2010) (quoting *Klay v. United Healthgroup, Inc.* 376 F.3d 1092, 1099 (11th Cir. 2004))

¹⁸ *Klay*, 376 F.3d at 1099.

¹⁹ *Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980).

to the defendant and can waste an inordinate amount of court time.”²⁰

“The court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others.”²¹ And, although a litigant cannot be completely foreclosed from all access to the court, “[a] party seeking to obtain an All Writs Act injunction ‘must simply point to some ongoing proceeding, or some past order or judgment, the integrity of which is being threatened by someone else’s action or behavior.’”²² Courts have regularly issued injunctions such as these in response to frivolous litigants.²³

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 7 of 9**

²⁰ Id

²¹ Procup, 792 F.2d at 1074

²² Maid of the Mist Corp, 388 F. App’x at 942 (quoting Klay, 376 F.3d at 1100).

²³ See, e.g. , Maid of the Mist Corp. , 388 F. App’x at 942 (concluding that an injunction was proper when the plaintiff “repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them”); Laosebikan v. Coca-Cola Co. , 415 F. App’x 211, 215 (11th Cir. 2011) (holding that a filing injunction was appropriate since the vexatious plaintiff’s claims were barred by res judicata); Harrelson , 613 F.2d at 116 (upholding filing injunction when “the plaintiff has forced various defendants in and out of court for almost five years and has had a full opportunity to present and litigate his claims”); In re Williams , No. MC 117-001, 2017 WL 3167378, at *1-*3 (S.D. Ga. July 25, 2017) (enjoining a “serial frivolous filer” who had engaged in a “campaign of harassment and vexatious litigation in federal courts”).

The Court concludes that the requested injunction is necessary to protect the integrity of the court system and to prevent the continued harassment of the Defendants by the Plaintiffs. This is the third time that Tucker has asserted these claims against the Perry Defendants and Lions Gate Entertainment. She lost her cases in the Southern District of New York and in this Court. This is the second time that James has asserted his copyright claims against the Perry Defendants and Lions Gate Entertainment.

He lost his case in the Northern District of Indiana. The Plaintiffs have demonstrated a consistent disregard for the judgments of the various courts dismissing these actions. Absent an injunction, there is no indication the Plaintiffs will think twice about continuing to assert these baseless claims against the Defendants. The principles of *res judicata* have not served as a deterrent to frivolous filings by the Plaintiffs. And, the Plaintiffs' conduct within this particular case has itself been disruptive and abusive to the Court's judicial function. The Plaintiffs have filed over 90 purported motions, counter-motions, replies, objections, amendments and exhibits since the commencement of this action, consuming thousands of pages of record. And, as this Court previously noted, each of these filings "had little or no basis in fact or law or relevance, or which are otherwise

unintelligible.”²⁴

The Plaintiffs have consistently made outrageous and fanciful claims in their filings. This conduct is not only costly and burdensome to the Defendants, but also imposes “a burden to clerical and judicial operations and is an impediment to the administration of justice.”²⁵ Because of this, the Court concludes that a filing injunction under the All Writs Act is appropriate here.

The Court has the inherent jurisdiction to protect itself against the abuses that litigants such as Tucker and James visit upon it.²⁶ Without an injunction, the Plaintiffs will very likely continue to use the judicial system as a tool to harass the Defendants and waste judicial resources. The Plaintiffs have displayed nothing short of complete disregard for the numerous court rulings in favor of the Defendants.

Therefore, the Court orders that the Plaintiffs are enjoined from filing any further pleading, motion, or other paper in relation to the instant action (other than the pending appeal and any appeal of this Order), and any new lawsuit in any court against any of the Defendants named in this action involving claims arising from the same factual predicate or nucleus of operative facts as this case without

²⁴ See [Doc. 95] at 1

²⁵ *Maid of the Mist Corp.*, 388 F. App'x at 942.

²⁶ *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986) (“There should be little doubt that the district court has the jurisdiction to protect itself against the abuses that litigants like Procup visit upon it.”).

obtaining the express written permission of the undersigned.

**Case 1:17-cv-01181-TWT Document 168
Filed 08/10/18 Page 9 of 9**

IV. Conclusion

the reasons stated above, the Defendants' Motion for Summary Judgment [Doc. 157] is **GRANTED** and the Plaintiffs' Motion for Judgment [Doc. 162] is **DENIED**. SO ORDERED, this 10 day of August, 2018. IV. Conclusion For the reasons stated above, the Defendants' Motion for Summary Judgment [Doc. 157] is **GRANTED** and the Plaintiffs' Motion for Judgment [Doc. 162] is **DENIED**. SO ORDERED, this 10 day of August, 2018.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX B

**Case 1:17-cv-01181-TWT Document 169
Filed 08/10/18 Page 1 of 2**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM JAMES and TERRI V. TUCKER,
Plaintiffs,
CIVIL ACTION FILE

vs.

NO. 1-17-cv-1181-TWT

BARBARA HUNT, HARPO, LIONSGATE
ENTERTAINMENT, OPRAH WINFREY
NETWORK, OPRAH WINFREY, TYLER
PERRY COMPANY, TYLER PERRY STUDIOS,
Defendants.

J U D G M E N T

This action having come before the court, Honorable THOMAS W. THRASH, JR., Chief United States District Judge, for consideration of Defendant Barbara Hunt's Motion to Dismiss and Defendant Harpo, Lionsgate Entertainment, Oprah Winfrey Network, Oprah Winfrey, Tyler Perry Company and Tyler Perry Studios' Motions for Summary Judgment, and the court having GRANTED said motions by Orders dated October 19, 2017 and August 10, 2018, it is Ordered and Adjudged that Plaintiffs take nothing; that Defendants recover their costs of this action and the action be, and the same hereby, is dismissed. Dated at Atlanta, Georgia, this 9th day of August, 2018.

JAMES N. HATTEN
CLERK OF COURT and
DISTRICT COURT EXECUTIVE

Case 1:17-cv-01181-TWT Document 169
Filed 08/10/18 Page 2 of 2

By: s/J. Lee
Deputy Clerk
Prepared, Filed, and Entered
in the Clerk's Office
August 10, 2018
James N. Hatten

Clerk of Court
By: s/J. Lee
Deputy Clerk

APPENDIX C

Case: 17-14866 Date Filed: 03/29/2018
Page: 1 of 1

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
ELBERT PARR TUTTLE COURT OF
APPEALS BUILDING**

56 Forsyth Street, N.W. Atlanta, Georgia 30303
David J. Smith Clerk of Court

March 29, 2018

For rules and forms visit www.call.uscourts.gov

William James

3058 Fresno Lane Homewood, IL 60430

Terri V. Tucker

1136 JOSLIN PATH DOUGLASVILLE,
GA 30134

Appeal Number: 17-14866-FF Case Style:
William James, et al v. Barbara Hunt, et al

**District Court Docket No: 1:17-cv-01181-
TWT**

Based upon the responses of the parties, it appears that this court has jurisdiction to consider this appeal. A final determination regarding jurisdiction will be made by the panel to whom this appeal is submitted on the merits. Appellee's brief is due 30 days from the date of this letter.

Sincerely,

DAVID J. SMITH,
Clerk of Court
Reply to: Janet K. Mohler, FF/ej Phone #: (404)
335-6178

JUR-3 Ntc of prob juris

**APPENDIX C – OTHER ELEVENTH
CIRCUIT COURT ORDERS/LETTERS**
Case: 17-14866 Date Filed: 09/21/2018
Page: 1 of 2

**IN THE UNITED STATES COURT OF
APPEALS
FOR THE ELEVENTH CIRCUIT**

Nos. 17-14866-FF; 18-13553-F
WILLIAM JAMES, Sui Juris, TERRI V.
TUCKER, Sui Juris, a.k.a. Terri V. Donald-
Strickland, a.k.a. TLO-Redness,
Plaintiffs-Counter
Defendants-Appellants,
Versus

BARBARA HUNT, JUDGE THOMAS W.
THRASH, JR.,
Defendants-Appellees,
HARPO, LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK, (OWN),
OPRAH WINFREY, d.b.a. Oprah Winfrey
Network, TYLER PERRY COMPANY, TYLER
PERRY STUDIOS, (TPS), TYLER PERRY,
a.k.a. Emmett Perry Jr., a.k.a. Emmett J. Perry,
a.k.a. Buddy, a.k.a. John Ivory, a.k.a. Emmett
M. Perry, a.k.a. Embre R. Perry, a.k.a.
Emmitt R. Perry, a.k.a. Emmett T. Perry, a.k.a.

Willie M. Perry, a.k.a. Emmett Ty Perry, a.k.a.
Emmett Perry, a.k.a. Tyler E. Perry

Case: 17-14866 Date Filed: 09/21/2018

Page: 2 of 2

d.b.a. Tyler Perry Studios,
Defendants-Counter
Claimants-Appellees.

**Appeals from the United States District
Court for the Northern District of Georgia
ORDER:**

The Plaintiffs have filed in this Court five motions and a letter, collectively seeking: (1) to file an amended or joint and consolidated notice of appeal, or to consolidate Case No. 1714866 with the related appeal in Case No. 18-13553; (2) to stay the appeal in Case No. 17 14866; (3) to supplement the record; (4) to file a motion for reconsideration; (5) to file an objection; and (6) to inform this Court of multiple docketing errors. The Plaintiffs' motions are DENIED. Case No. 17-14866 and Case No. 18-13553 shall proceed separately. To the extent that the motions assert arguments related to the issue on appeal in Case No. 18-13553, rather than Case No. 17-14866, those motions are DENIED WITHOUT PREJUDICE to the Plaintiffs' refile of such motions in the appeal in Case No. 18-13553.

**/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE**

APPENDIX C

Case: 18-13553 Date Filed: 09/21/2018
Page: 1 of 2

**IN THE UNITED STATES COURT OF
APPEALS
FOR THE ELEVENTH CIRCUIT**

Nos. 17-14866-FF; 18-13553-F
WILLIAM JAMES, Sui Juris, TERRI V.
TUCKER, Sui Juris, a.k.a. Terri V. Donald-
Strickland, a.k.a. TLO-Redness,
Plaintiffs-Counter
Defendants-Appellants,
versus

BARBARA HUNT, JUDGE THOMAS W.
THRASH, JR.,
Defendants-Appellees,
HARPO, LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK, (OWN),
OPRAH WINFREY, d.b.a. Oprah Winfrey
Network, TYLER PERRY COMPANY, TYLER
PERRY STUDIOS, (TPS), TYLER PERRY,
a.k.a. Emmett Perry Jr., a.k.a. Emmett J. Perry,
a.k.a. Buddy, a.k.a. John Ivory, a.k.a. Emmett
M. Perry, a.k.a. Emmbre R. Perry, a.k.a.
Emmitt R. Perry, a.k.a. Emmett T. Perry, a.k.a.
Willie M. Perry, a.k.a. Emmett Ty Perry, a.k.a.
Emmett Perry, a.k.a. Tyler E. Perry,

Case: 18-13553 Date Filed: 09/21/2018
Page: 2 of 2

d.b.a. Tyler Perry Studios,
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The Plaintiffs' motions are DENIED. Case No. 17-14866 and Case No. 18-13553 shall proceed separately. To the extent that the motions assert arguments related to the issue on appeal in Case No. 18-13553, rather than Case No. 17-14866, those motions are DENIED WITHOUT PREJUDICE to the Plaintiffs' refile of such motions in the appeal in Case No. 18-13553.

**/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE**

APPENDIX D

18 U.S. Code § 1962. Prohibited Activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18,

United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer. (b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection

of unlawful debt. (d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section. (Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 942; amended Pub. L. 100-690, title VII, § 7033, Nov. 18, 1988, 102 Stat. 4398.)

APPENDIX D

18 U.S. Code § 1964. Civil RICO Remedies

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any person injured in his business or property by reason of a violation of section 1962

of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.

The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final.

(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States. (Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-620, title IV, § 402(24)(A), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-67, title I, § 107, Dec. 22, 1995, 109 Stat. 758.)

APPENDIX D
JUDICIAL REVIEW - SCOPE OF REVIEW
5 U.S.C. § 706(2)(a), 5 U.S. Code § 706. Scope
of review.

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and

determine the meaning or applicability of the terms of an agency action. The reviewing court shall— (1) compel agency action unlawfully withheld or unreasonably delayed; and (2) hold unlawful and set aside agency action, findings, and conclusions found to be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 393.)

APPENDIX D
PENALTIES FOR DOCUMENT FRAUD
8 U.S.C § 1324(c)

(a)Activities prohibited It is unlawful for any person or entity knowingly—
(1) to forge, counterfeit, alter, or falsely make any document for the purpose of satisfying a requirement of this chapter or to obtain a benefit under this chapter,

(2) to use, attempt to use, possess, obtain, accept, or receive or to provide any forged, counterfeit, altered, or falsely made document in order to satisfy any requirement of this chapter or to obtain a benefit under this chapter,

(3) to use or attempt to use or to provide or attempt to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of satisfying a requirement of this chapter or obtaining a benefit under this chapter,

(4) to accept or receive or to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of complying with section 1324a(b) of this title or obtaining a benefit under this chapter,

or (5) to prepare, file, or assist another in preparing or filing, any application for benefits under this chapter, or any document required under this chapter, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted.

APPENDIX D

Sherman Antitrust Act,

15 U.S.C. §§ 1-7 (2013) (selected provisions)

§ 1. Trusts, etc., in restraint of trade illegal; penalty Every contract, combination in the form of trust or otherwise, or conspiracy, in

restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

§ 2. Monopolizing trade a felony; penalty Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court. § 4. Jurisdiction of courts; duty of United States attorneys; procedure The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1 to 7 of this title; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such

violation shall be enjoined or otherwise prohibited.

When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. § 6. Forfeiture of property in transit Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this title, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

§ 6a. Conduct involving trade or commerce with foreign nations Sections 1 to 7 of this title shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless— (1) such conduct has a direct, substantial, and reasonably foreseeable effect— (A) on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or (B) on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and (2) such effect gives rise to a claim under the provisions of sections 1 to 7 of this title,

other than this section. § 7. “Person” or “persons” defined

The word “person”, or “persons”, wherever used in sections 1 to 7 of this title shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. Clayton Antitrust Act, 15 U.S.C. §§ 12–27 (2013) (selected provisions) § 1 [15 U.S.C. § 12]. Definitions; short title (a) “Antitrust laws,” as used herein, includes the Act entitled “An Act to protect trade and commerce against unlawful restraints and monopolies,” approved July second, eighteen hundred and ninety; sections seventy-three to seventy-six, inclusive, of an Act entitled

“An Act to reduce taxation, to provide revenue for the Government, and for other purposes,” of August twenty-seventh, eighteen hundred and ninety-four; an Act entitled “An Act to amend sections seventy-three and seventy-six of the Act of August twenty-seventh, eighteen hundred and ninety-four, entitled ‘An Act to reduce taxation, to provide revenue for the Government, and for other purposes,’” approved February twelfth, nineteen hundred and thirteen; and also this Act. “Commerce,” as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction

of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States:

Provided, that nothing in this Act contained shall apply to the Philippine Islands. The word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country. (b) This Act may be cited as the "Clayton Act". § 2 [15 U.S.C. § 13].
Discrimination in price, services, or facilities

(a) Price; selection of customers It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives

the benefit of such discrimination, or with customers of either of them: Provided, That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: Provided, however,

That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established: And provided further,

That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade: And provided further, That nothing herein contained shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court

process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Burden of rebutting prima-facie case of discrimination Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima-facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination:

Provided, however, That nothing herein contained shall prevent a seller rebutting the prima-facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. (c) Payment or acceptance of commission, brokerage, or other compensation It shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect

control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) Payment for services or facilities for processing or sale It shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) Furnishing services or facilities for processing, handling, etc. It shall be unlawful for any person to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms. (f) Knowingly inducing or receiving discriminatory price It shall be unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a

discrimination in price which is prohibited by this section.

APPENDIX D
CRIMINAL INFRINGEMENT
17 U.S.C. § 506(a), 17 U.S. Code § 506
Criminal offenses

(a) **CRIMINAL INFRINGEMENT**

(1) **IN GENERAL.**—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—(A) for purposes of commercial advantage or private financial gain; (B) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than \$1,000; or (C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

(2) **EVIDENCE** For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright. (3) **DEFINITION.**—In this subsection, the term “work being prepared for commercial distribution” means—(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized distribution—(i) the

copyright owner has a reasonable expectation of commercial distribution; and (ii) the copies or phonorecords of the work have not been commercially distributed; or (B) a motion picture, if, at the time of unauthorized distribution, the motion picture— (i) has been made available for viewing in a motion picture exhibition facility; and (ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.

(b)FORFEITURE, DESTRUCTION, AND RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.(c)FRAUDULENT COPYRIGHT NOTICE.—Any person who, with fraudulent intent, places on any article a notice of copyright or words of the same purport that such person knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or words that such person knows to be false, shall be fined not more than \$2,500.

(d)FRAUDULENT REMOVAL OF COPYRIGHT NOTICE.—Any person who, with fraudulent intent, removes or alters any notice of copyright appearing on a copy of a copyrighted work shall be fined not more than \$2,500.(e)FALSE REPRESENTATION.—Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for

by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500. (f)RIGHTS OF CONTRIBUTION AND INTEGRITY. —Nothing in this section applies to infringement of the rights conferred by section 106A(a). (Pub. L. 94–553, title I, § 101, Oct. 19, 1976, 90 Stat. 2586; Pub. L. 97–180, § 5, May 24, 1982, 96 Stat. 93; Pub. L. 101–650, title VI, § 606(b), Dec. 1, 1990, 104 Stat. 5131; Pub. L. 105–147, § 2(b), Dec. 16, 1997, 111 Stat. 2678; Pub. L. 109–9, title I, § 103(a), Apr. 27, 2005, 119 Stat. 220; Pub. L. 110–403, title II, § 201(a), Oct. 13, 2008, 122 Stat. 4260.)

APPENDIX D

Circumvention of Copyright Protection Systems 17 U.S. Code § 1201.

(a)VIOLATIONS REGARDING CIRCUMVENTION OF TECHNOLOGICAL MEASURES.

(1)(A) No person shall circumvent a technological measure that effectively controls access to a work protected under this title. The prohibition contained in the preceding sentence shall take effect at the end of the 2-year period beginning on the date of the enactment of this chapter. (B) The prohibition contained in subparagraph (A) shall not apply to persons who are users of a copyrighted work which is in a particular class of works, if such persons are, or are likely to be in the succeeding 3-year period, adversely affected by virtue of such prohibition in their ability to make non infringing uses of that

particular class of works under this title, as determined under subparagraph (C).

(C) During the 2-year period described in subparagraph (A), and during each succeeding 3-year period, the Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the Assistant Secretary for Communications and Information of the Department of Commerce and report and comment on his or her views in making such recommendation, shall make the determination in a rulemaking proceeding for purposes of subparagraph (B) of whether persons who are users of a copyrighted work are, or are likely to be in the succeeding 3-year period, adversely affected by the prohibition under subparagraph

(A) in their ability to make non infringing uses under this title of a particular class of copyrighted works. In conducting such rulemaking, the Librarian shall examine— (i) the availability for use of copyrighted works; (ii) the availability for use of works for nonprofit archival, preservation, and educational purposes; (iii) the impact that the prohibition on the circumvention of technological measures applied to copyrighted works has on criticism, comment, news reporting, teaching, scholarship, or research; (iv) the effect of circumvention of technological measures on the market for or value of copyrighted works; and (v) such other factors as the Librarian considers appropriate.

(D) The Librarian shall publish any class of copyrighted works for which the Librarian has determined, pursuant to the rulemaking

conducted under subparagraph (C), that non infringing uses by persons who are users of a copyrighted work are, or are likely to be, adversely affected, and the prohibition contained in subparagraph (A) shall not apply to such users with respect to such class of works for the ensuing 3-year period. (E) Neither the exception under subparagraph (B) from the applicability of the prohibition contained in subparagraph (A), nor any determination made in a rulemaking conducted under subparagraph (C), may be used as a defense in any action to enforce any provision of this title other than this paragraph.

(2) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—(A) is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title; (B) has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or (C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title.(3)As used in this subsection—

(A) to “circumvent a technological measure” means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a

technological measure, without the authority of the copyright owner; and (B) a technological measure “effectively controls access to a work” if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work

APPENDIX D
INTEGRITY OF COPYRIGHT
MANAGEMENT 17 U.S.C. § 1202,

Management information

(a) **FALSE COPYRIGHT MANAGEMENT INFORMATION.** No person shall knowingly and with the intent to induce, enable, facilitate, or conceal infringement— (1) provide copyright management information that is false, or (2) distribute or import for distribution copyright management information that is false. (b) **REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION**

No person shall, without the authority of the copyright owner or the law— (1) intentionally remove or alter any copyright management information, (2) distribute or import for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or (3) distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.

(c)DEFINITION.—As used in this section, the term “copyright management information” means any of the following information conveyed in connection with copies or phonorecords of a work or performances or displays of a work, including in digital form, except that such term does not include any personally identifying information about a user of a work or of a copy, phonorecord, performance, or display of a work:

(1) The title and other information identifying the work, including the information set forth on a notice of copyright. (2) The name of, and other identifying information about, the author of a work. (3) The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright. (4) With the exception of public performances of works by radio and television broadcast stations, the name of, and other identifying information about, a performer whose performance is fixed in a work other than an audiovisual work.

(5) With the exception of public performances of works by radio and television broadcast stations, in the case of an audiovisual work, the name of, and other identifying information about, a writer, performer, or director who is credited in the audiovisual work. (6) Terms and conditions for use of the work. (7) Identifying numbers or symbols referring to such

information or links to such information. (8) Such other information as the Register of Copyrights may prescribe by regulation, except that the Register of Copyrights may not require the provision of any information concerning the user of a copyrighted work. (d) LAW ENFORCEMENT, INTELLIGENCE, AND OTHER GOVERNMENT ACTIVITIES.

This section does not prohibit any lawfully authorized investigative, protective, information security, or intelligence activity of an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or a person acting pursuant to a contract with the United States, a State, or a political subdivision of a State. For purposes of this subsection, the term "information security" means activities carried out in order to identify and address the vulnerabilities of a government computer, computer system, or computer network. (e)

LIMITATIONS ON LIABILITY

(1) ANALOG TRANSMISSIONS.

In the case of an analog transmission, a person who is making transmissions in its capacity as a broadcast station, or as a cable system, or someone who provides programming to such station or system, shall not be liable for a violation of subsection (b) if— (A) avoiding the activity that constitutes such violation is not technically feasible or would create an undue financial hardship on such person; and (B) such person did not intend, by engaging in such activity, to induce, enable, facilitate, or conceal

infringement of a right under this title. (2)
DIGITAL TRANSMISSIONS.

(A)If a digital transmission standard for the placement of copyright management information for a category of works is set in a voluntary, consensus standard-setting process involving a representative cross-section of broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to the particular copyright management information addressed by such standard if— (i) the placement of such information by someone other than such person is not in accordance with such standard; and (ii) the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title.

(B)Until a digital transmission standard has been set pursuant to subparagraph (A) with respect to the placement of copyright management information for a category of works, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to such copyright management information, if the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title, and if— (i) the transmission of such information by such person would result in a perceptible visual or aural degradation of the digital signal; or (ii)the transmission of such information by such person

would conflict with— (I) an applicable government regulation relating to transmission of information in a digital signal;

(II) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted by a voluntary consensus standards body prior to the effective date of this chapter; or (III) an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted in a voluntary, consensus standards-setting process open to participation by a representative cross-section of broadcast stations or cable systems and copyright owners of a category of works that are intended for public performance by such stations or systems.

(3)DEFINITIONS.—As used in this subsection—

(A) the term “broadcast station” has the meaning given that term in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

(B) the term “cable system” has the meaning given that term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(Added Pub. L. 105–304, title I, § 103(a), Oct. 28, 1998, 112 Stat. 2872; amended Pub. L. 106–44, § 1(e), Aug. 5, 1999, 113 Stat. 222.)

APPENDIX D

Civil remedies 17 U.S. Code § 1203

(a)CIVIL ACTIONS. Any person injured by a violation of section 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation. (b)POWERS OF THE COURT.—In an action brought under

subsection (a), the court—(1) may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation, but in no event shall impose a prior restraint on free speech or the press protected under the 1st amendment to the Constitution;

(2) at any time while an action is pending, may order the impounding, on such terms as it deems reasonable, of any device or product that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation; (3) may award damages under subsection (c); (4) in its discretion may allow the recovery of costs by or against any party other than the United States or an officer thereof; (5) in its discretion may award reasonable attorney's fees to the prevailing party; and (6) may, as part of a final judgment or decree finding a violation, order the remedial modification or the destruction of any device or product involved in the violation that is in the custody or control of the violator or has been impounded under paragraph (2). (c)AWARD OF DAMAGES.

(1) IN GENERAL. Except as otherwise provided in this title, a person committing a violation of section 1201 or 1202 is liable for either (A) the actual damages and any additional profits of the violator, as provided in paragraph (2), or (B) statutory damages, as provided in paragraph (3). (2) ACTUAL DAMAGES.— The court shall award to the complaining party the actual damages suffered by the party as a result of the

violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered. (3) STATUTORY DAMAGES.

(A) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than \$200 or more than \$2,500 per act of circumvention, device, product, component, offer, or performance of service, as the court considers just. (B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1202 in the sum of not less than \$2,500 or more than \$25,000. (4) REPEATED VIOLATIONS.— In any case in which the injured party sustains the burden of proving, and the court finds, that a person has violated section 1201 or 1202 within 3 years after a final judgment was entered against the person for another such violation, the court may increase the award of damages up to triple the amount that would otherwise be awarded, as the court considers just. *United States v. Saget*, 991 F.2d 702, 713 (11th Cir.), cert. denied, 510 U.S. 950 (1993); *United States v. Neal*, 951 F.2d 630, 632 (5th Cir. 1992); *United States v. Rasheed*, 663 F.2d 843, 850-52 (9th Cir. 1981), cert. denied, sub.nom. *Phillips v. United States*, 454 U.S. 1157 (1982).

A party may be prosecuted under section 1503 for endeavoring to obstruct justice, *United*

States v. Neal, *supra*; United States v. Williams, 874 F.2d 968, 976 (5th Cir. 1989); it is no defense that such obstruction was unsuccessful, United States v. Edwards, 36 F.3d 639, 645 (7th Cir. 1994); United States v. Neal, *supra*; or that it was impossible to accomplish, United States v. Bucey, 876 F.2d 1297, (9th Cir.), cert. denied, 493 U.S. 1004 (1989); United States v. Brimberry, 744 F.2d 580 (7th Cir. 1984), cert. denied, 481 U.S. 1039 (1987).

The term "officer in or of any court of the United States" includes: United States District Judges, United States v. Jones, 663 F.2d 567 (5th Cir. 1981) (by implication); United States v. Glickman, 604 F.2d 625 (9th Cir. 1979) (by implication), cert. denied, 444 U.S. 1080 (1980); United States v. Fasolino, 586 F.2d 939 (2d Cir. 1978) (per curiam) (by implication); United States v. Margoles, 294 F.2d 371, 373 (7th Cir.), cert. denied, 368 U.S. 930 (1961); United States Attorneys, Jones, *supra*; United States v. Polakoff, 112 F.2d 888, 890 (2d Cir.), cert. denied, 311 U.S. 653 (1940); United States Bankruptcy Judges, United States v. Fulbright, 69 F.3d 1468 (9th Cir. 1995) (by implication); Supreme Court Justices, United States Courts of Appeals Judges, United States Magistrate Judges, clerks of Federal courts, law clerks to Federal judges, Federal court staff attorneys, Federal court reporters, Federal prosecutors and defense counsel.

Because 18 U.S.C. § 1503 applies to civil, as well as criminal judicial proceedings, Roberts v. United States, 239 F.2d 467, 470 (9th Cir.

1956); *Sneed v. United States*, 298 F. 911, 912 (5th Cir.), cert. denied, 265 U.S. 590 (1924); see *Nye v. United States*, 137 F.2d 73 (4th Cir.) (by implication), cert. denied, 320 U.S. 755 (1943), private attorneys are, arguably, also covered by the statute. A venireman is a "petit juror" within the meaning of section 1503. *United States v. Jackson*, 607 F.2d 1219, 1222 (8th Cir. 1979), cert. denied, 444 U.S. 1080 (1980); see *United States v. Osborn*, 415 F.2d 1021, 1024 (6th Cir. 1969) (en banc), cert. denied, 396 U.S. 1015 (1970). The majority of United States Courts of Appeals have held.

APPENDIX D

Document – Witness Tampering.

18 U.S.C. § 1503

United States v. Moody, 977 F.2d 1420 (11th Cir. 1992), cert. denied, 507 U.S. 944 (1993); *United States v. Kenny*, 973 F.2d 339 (4th Cir. 1992); *United States v. Branch*, 850 F.2d 1080 (5th Cir. 1988), cert. denied, 488 U.S. 1018 (1989); *United States v. Risken*, 788 F.2d 1361 (8th Cir.), cert. denied, 479 U.S. 923 (1986); *United States v. Rovetuso*, 768 F.2d 809 (7th Cir. 1985), cert. denied, 474 U.S. 1076 (1986); *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984). But see *United States v. Masterpol*, 940 F.2d 760 (2d Cir. 1991) (construing the 1988 amendment to section 1512 as evidence of Congress's intent that witnesses were removed entirely from section 1503).

**18 U.S. Code § 371. Conspiracy to Commit
Offense or to Defraud United States**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

APPENDIX D

**Conspiracy to commit offense or to
Defraud United States 18 U.S. Code § 371.**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such

misdemeanor. (June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

APPENDIX D

Influencing or Injuring Officer or Juror Generally 18 U.S. Code § 1503

(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection

(b). If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be

imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.(b)The punishment for an offense under this section is—

(1) in the case of a killing, the punishment provided in sections 1111 and 1112;(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years, a fine under this title, or both; and (3) in any other case, imprisonment for not more than 10 years, a fine under this title, or both. (June 25, 1948, ch. 645, 62 Stat. 769; Pub. L. 97-291, § 4(c), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 103-322, title VI, § 60016, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 1974, 2147; Pub. L. 104-214, § 1(3), Oct. 1, 1996, 110 Stat. 3017.)

APPENDIX D

Obstruction of Criminal Investigations 18 U.S. Code § 1510.

(a) Whoever willfully endeavors by means of bribery to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator shall be fined under this title, or imprisoned not more than five years, or both. (b)(1) Whoever, being an officer of a financial institution, with the intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of

that financial institution, or information that has been furnished in response to that subpoena, shall be fined under this title or imprisoned not more than 5 years, or both.

(2) Whoever, being an officer of a financial institution, directly or indirectly notifies— (A) a customer of that financial institution whose records are sought by a subpoena for records; or (B) any other person named in that subpoena; about the existence or contents of that subpoena or information that has been furnished in response to that subpoena, shall be fined under this title or imprisoned not more than one year, or both.

(3) As used in this subsection—
(A) the term “an officer of a financial institution” means an officer, director, partner, employee, agent, or attorney of or for a financial institution; and (B) the term “subpoena for records” means a Federal grand jury subpoena or a Department of Justice subpoena (issued under section 3486 of title 18), for customer records that has been served relating to a violation of, or a conspiracy to violate— (i) section 215, 656, 657, 1005, 1006, 1007, 1014, 1344, 1956, 1957, or chapter 53 of title 31; or (ii) section 1341 or 1343 affecting a financial institution. (c) As used in this section, the term “criminal investigator” means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations of or prosecutions for violations of the criminal laws of the United States.

(d) (1) Whoever— (A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or (B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

(2) As used in paragraph (1), the term “subpoena for records” means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title. (e) Whoever, having been notified of the applicable disclosure prohibitions or confidentiality requirements of section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act [1](12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), or section 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 436(b)(1)),

[2] knowingly and with the intent to obstruct an investigation or judicial proceeding

violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.

(Added Pub. L. 90-123, § 1(a), Nov. 3, 1967, 81 Stat. 362; amended Pub. L. 97-291, § 4(e), Oct. 12, 1982, 96 Stat. 1253; Pub. L. 101-73, title IX, § 962(c), Aug. 9, 1989, 103 Stat. 502; Pub. L. 102-550, title XV, § 1528, Oct. 28, 1992, 106 Stat. 4065; Pub. L. 103-322, title XXXII, § 320604(c), title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2119, 2147; Pub. L. 104-191, title II, § 248(c), Aug. 21, 1996, 110 Stat. 2020; Pub. L. 109-177, title I, § 117, Mar. 9, 2006, 120 Stat. 217; Pub. L. 111-148, title X, § 10606(d)(1), Mar. 23, 2010, 124 Stat. 1008.)

APPENDIX D

Proscribes Endeavors to Obstruct Federal Criminal Investigations "By Means of Bribery." 18 U.S.C. 1510

See, e.g., *United States v. Schwartz*, 924 F.2d 410, 423, n.3, (2d Cir. 1991). Prior to its amendment by the Victim and Witness Protection Act of 1982, the provision also prohibited obstruction of criminal investigations by "misrepresentation, intimidation, or force or threats thereof" as well as retaliation against informants. Obstructions of Federal criminal investigations by all means enumerated in former 18 U.S.C. § 1510 other than bribery is now covered by 18 U.S.C. § 1512(b)(3). Obstructions by intentional harassment, a new misdemeanor, is an 18 U.S.C. § 1512(c) offense. Retaliation

against informants is now covered by **18 U.S.C. § 1513**. Section 1510 proscribes only endeavors that are "willfully" undertaken and "require(s) proof of a specific intent to obstruct justice." *United States v. Carleo*, 576 F.2d 846, 849 (10th Cir.), cert. denied, 439 U.S. 850 (1978); see *United States v. Lippman*, 492 F.2d 314, 317 (6th Cir. 1974), cert. denied, 419 U.S. 1107 (1975).

"[T]he defendant [must] have actual knowledge that the intended recipient of the information [is] a federal criminal investigator." *Id.* at 317; accord *United States v. Grande*, 620 F.2d 1026, 1036-37 (4th Cir.), cert. denied, 449 U.S. 830, 919 (1980); *United States v. Williams*, 470 F.2d 1339, 1342 (8th Cir.), cert. denied, 411 U.S. 936 (1973). It is not required that the defendant actually know that information has been or is about to be supplied to a Federal criminal investigator. All that is required is that the defendant reasonably believe that information had been, or would be, supplied.

United States v. Leisure, 844 F. 2d 1347, 1364 (8th Cir. 1988); *United States v. Kozak*, 438 F.2d 1062, 1066 (3d Cir.), cert. denied, 402 U.S. 996 (1971). See *United States v. Zemke*, 634 F.2d 1159, 1176 (9th Cir. 1980), cert. denied, sub. nom. *Carbone v. United States*, 450 U.S. 916, 985, and cert. denied, sub. nom. *Williams v. United States*, 452 U.S. 905 (1981). Neither is it necessary to show that a defendant in fact obstructed justice or prevented a person from communicating to a criminal investigator. *United States v. Murray*, 751 F.2d 1528, 1534 (9th Cir.), cert. denied, sub. nom. *Moore v. United States*, 474 U.S. 979

(1985). For the statute to be violated there is no requirement that an investigation be underway. *United States v. Leisure*, 844 F.2d at 1364. But cf. *United States v. Van Engel*, 15 F.3d 623, 627 (7th Cir. 1993) (it is unclear whether section 1510 is applicable if no investigation is underway). The requirement is only that there is an obstruction of a communication to a criminal investigator.

United States v. Lippman, 492 F.2d at 317. The scienter requirement is satisfied by showing that the defendant had a reasonably founded belief that information had been or was about to be given. *United States v. Abrams*, 543 F. Supp. 1184 (S.D.N.Y. 1982). Section 1510 applies to behavior occurring prior to and after the commencement of an official proceeding. *United States v. Lester*, 749 F.2d 1288, 1298-99 (9th Cir. 1984). The fact that the criminal act occurred after the institution of judicial proceedings is immaterial. *United States v. Roberts*, 638 F.2d 134, 135 (9th Cir.) (offense occurred 18 days after conviction), cert. denied, 452 U.S. 909 (1981).

Similarly, it is immaterial that the act was intended to impede the future communication of information to Federal criminal investigators. *United States v. Koehler*, 544 F.2d 1326, 1329-30 (5th Cir. 1977) (offense occurred subsequent to indictment). The plain language of section 1510 suggests that it should not be used to prosecute a person who gives false or misleading information to a criminal investigator.

Section 1510(b) proscribes officers of financial institutions from obstructing a judicial

proceeding by notifying another person about the existence of a subpoena for records of that financial institution or about information that has been furnished to a grand jury in response to that subpoena.

Section 1510(d) proscribes persons engaged in the business of insurance from obstructing a judicial proceeding by notifying any person about the existence of a subpoena for records of that person engaged in such business or about information that has been furnished to a Federal grand jury in response to that subpoena.

APPENDIX D

Tampering with a Witness, Victim, or an Informant 18 U.S.C § 1512

(a)(1) Whoever kills or attempts to kill another person, with intent to—(A)prevent the attendance or testimony of any person in an official proceeding; (B)prevent the production of a record, document, or other object, in an official proceeding; or (C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to— (A)influence, delay, or prevent the testimony of any person in an official proceeding; (B)cause or induce any person to—

(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv)be absent from an official proceeding to which that person has been summoned by legal process; or (C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is— (A)in the case of a killing, the punishment provided in sections 1111 and 1112; (B)in the case of—(i)an attempt to murder; or (ii)the use or attempted use of physical force against any person; imprisonment for not more than 30 years; and (C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to— (1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to— (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release, [1] parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both. (c) Whoever corruptly— (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both. (d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1) attending or testifying in an official proceeding; (2) reporting to a law enforcement officer or judge of the United States the

commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; (3) arresting or seeking the arrest of another person in connection with a Federal offense; or (4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully. (f) For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and (2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy. (Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1249; amended Pub. L. 99-646, § 61, Nov. 10, 1986, 100 Stat. 3614; Pub. L. 100-690, title VII, § 7029(a), (c), Nov. 18, 1988, 102 Stat. 4397, 4398; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title VI, § 60018, title XXXIII, § 330016(1)(O), (U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(2), Oct. 1, 1996, 110 Stat. 3017; Pub. L.

104–294, title VI, § 604(b)(31), Oct. 11, 1996, 110 Stat. 3508; Pub. L. 107–204, title XI, § 1102, July 30, 2002, 116 Stat. 807; Pub. L. 107–273, div. B, title III, § 3001(a), (c)(1), Nov. 2, 2002, 116 Stat. 1803, 1804; Pub. L. 110–177, title II, § 205, Jan. 7, 2008, 121 Stat. 2537.)

APPENDIX D

Retaliating Against a Witness, Victim, or an Informant 18 U.S. Code § 1513.

(a)(1)Whoever kills or attempts to kill another person with intent to retaliate against any person for—(A)the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B)providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

(2) The punishment for an offense under this subsection is— (A)in the case of a killing, the punishment provided in sections 1111 and 1112; and (B) in the case of an attempt, imprisonment for not more than 30 years. (b)Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer; or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both. (c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. (d) There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both. (f) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred. (Added Pub. L. 97-291, § 4(a), Oct. 12, 1982, 96 Stat. 1250; amended Pub. L. 103-322, title VI, § 60017, title XXXIII, § 330016(1)(U), Sept. 13, 1994, 108 Stat. 1975, 2148; Pub. L. 104-214, § 1(1), Oct. 1, 1996, 110 Stat. 3017; Pub. L. 107-204, title XI, § 1107(a), July 30, 2002, 116 Stat. 810; Pub. L. 107-273, div. B, title III, § 3001(b), (c)(2), title IV, § 4002(b)(4), Nov. 2, 2002, 116 Stat. 1804, 1807; Pub. L. 110-177, title II, §§ 204, 206, Jan. 7, 2008, 121 Stat. 2537.)

APPENDIX D

Perjury Generally - 18 U.S. Code § 1621.

Whoever— (1) 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, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe 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.)

APPENDIX D

False Declaration before grand jury

18 U.S.C. § 1623

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States. (c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree

that one of them is necessarily false, need not specify which declaration is false if— (1) each declaration was material to the point in question, and;

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section. In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed. (e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence. (Added Pub. L. 91-452, title IV, § 401(a), Oct. 15, 1970, 84 Stat. 932; amended

Pub. L. 94-550, § 6, Oct. 18, 1976, 90 Stat. 2535;
Pub. L. 103-322, title XXXIII, § 330016(1)(L),
Sept. 13, 1994, 108 Stat. 2147.)

APPENDIX D

Interference Commerce by Threats or Violence 18 U.S. Code § 1951.

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining. (2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. (3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States;

all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction. (c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101–115, 151–166 of Title 29 or sections 151–188 of Title 45. (June 25, 1948, ch. 645, 62 Stat. 793; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

APPENDIX D

RICO 18 U.S. Code § 1961

(1) “racketeering activity” means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions),

section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers),

section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons), [1] sections 1831 and 1832 (relating to economic espionage and theft of trade secrets),

section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters),

sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),

sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B); (2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or

possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property; (4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; (5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity; (6) "unlawful debt" means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and

(B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate; (7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

(8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter; (9) "documentary material" includes any book, paper, document, record, recording, or other material; and

(10) "Attorney General" includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

(Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 941; amended Pub. L. 95-575, § 3(c), Nov. 2, 1978, 92 Stat. 2465; Pub. L. 95-598, title III, § 314(g), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 98-473, title II, §§ 901(g), 1020, Oct. 12, 1984, 98 Stat. 2136, 2143; Pub. L. 98-547, title II, § 205, Oct. 25, 1984, 98 Stat. 2770; Pub. L. 99-570, title I, § 1365(b), Oct. 27, 1986, 100

Stat. 3207–35; Pub. L. 99–646, § 50(a), Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100–690, title VII, §§ 7013, 7020(c), 7032, 7054, 7514, Nov. 18, 1988, 102 Stat. 4395, 4396, 4398, 4402, 4489; Pub. L. 101–73, title IX, § 968, Aug. 9, 1989, 103 Stat. 506; Pub. L. 101–647, title XXXV, § 3560, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103–322, title IX, § 90104, title XVI, § 160001(f), title XXXIII, § 330021(1), Sept. 13, 1994, 108 Stat. 1987, 2037, 2150; Pub. L. 103–394, title III, § 312(b), Oct. 22, 1994, 108 Stat. 4140; Pub. L. 104–132, title IV, § 433, Apr. 24, 1996, 110 Stat. 1274; Pub. L. 104–153, § 3, July 2, 1996, 110 Stat. 1386; Pub. L. 104–208, div. C, title II, § 202, Sept. 30, 1996, 110 Stat. 3009–565; Pub. L. 104–294, title VI, §§ 601(b)(3), (i)(3), 604(b)(6), Oct. 11, 1996, 110 Stat. 3499, 3501, 3506; Pub. L. 107–56, title VIII, § 813, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107–273, div. B, title IV, § 4005(f)(1), Nov. 2, 2002, 116 Stat. 1813; Pub. L. 108–193, § 5(b), Dec. 19, 2003, 117 Stat. 2879; Pub. L. 108–458, title VI, § 6802(e), Dec. 17, 2004, 118 Stat. 3767; Pub. L. 109–164, title I, § 103(c), Jan. 10, 2006, 119 Stat. 3563; Pub. L. 109–177, title IV, § 403(a), Mar. 9, 2006, 120 Stat. 243; Pub. L. 113–4, title XII, § 1211(a), Mar. 7, 2013, 127 Stat. 142; Pub. L. 114–153, § 3(b), May 11, 2016, 130 Stat. 382.)

APPENDIX D

Prohibited Activities 18 U.S. Code § 1962

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which

such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the

conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. (d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section. (Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 942; amended Pub. L. 100-690, title VII, § 7033, Nov. 18, 1988, 102 Stat. 4398.)

APPENDIX D

Criminal Penalties 18 U.S. Code § 1963

(a) Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law—(1) any interest the person has acquired or maintained in violation of section 1962;(2) any—(A) interest in;(B) security of; (C) claim against; or (D) property or contractual right of any kind affording a source of influence over; any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962. The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that

the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds. (b) Property subject to criminal forfeiture under this section includes— (1) real property, including things growing on, affixed to, and found in land; and

(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities. (c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (1) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(d) (1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

(A) upon the filing of an indictment or information charging a violation of section 1962

of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or (B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, that an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed. (2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will

jeopardize the availability of the property for forfeiture.

Such a temporary order shall expire not more than fourteen days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order. (3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

(e) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses

to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

(f) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States.

Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him.

Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs.

The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses. (g) With respect to property ordered forfeited under this section, the Attorney General is authorized to—(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter; (2) compromise claims arising under this section; (3) award compensation to persons providing information resulting in a forfeiture under this section; (4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and (5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition. (h) The Attorney General may promulgate regulations with respect to—

(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section; (2) granting petitions for remission or mitigation of forfeiture; (3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter; (4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and (6) the compromise of claims arising under this chapter. Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

(i) Except as provided in subsection (l), no party claiming an interest in property subject to forfeiture under this section may—(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or (2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

(j) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture

under this section or which has been ordered forfeited under this section.

(k) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

(l) (1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the

validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought. (4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders

the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section; the court shall amend the order of forfeiture in accordance with its determination.

(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee. (m) If any of the property described in subsection (a), as a result of any act or omission of the defendant—

(1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be divided without difficulty; the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

(Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-473, title II, §§ 302, 2301(a)-(c), Oct. 12, 1984, 98 Stat. 2040, 2192; Pub. L. 99-570, title I, § 1153(a), Oct. 27, 1986, 100 Stat. 3207-13; Pub. L. 99-646, § 23, Nov. 10, 1986, 100 Stat. 3597; Pub. L. 100-690, title VII, §§ 7034, 7058(d), Nov. 18, 1988, 102 Stat. 4398, 4403; Pub. L. 101-647, title XXXV, § 3561, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 111-16, § 3(4), May 7, 2009, 123 Stat. 1607.)

APPENDIX D

Civil RICO 18 U.S.C. § 1964 (1970)

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall

deem proper. (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.

The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final. (d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States. (Added

Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-620, title IV, § 402(24)(A), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-67, title I, § 107, Dec. 22, 1995, 109 Stat. 758.)

APPENDIX D

Criminal Copyright Infringement

18 U.S.C. § 2319

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not

limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper. (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.

The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final. (d) A final judgment or decree rendered in favor of the United States

in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

(Added Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-620, title IV, § 402(24)(A), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-67, title I, § 107, Dec. 22, 1995, 109 Stat. 758.)

APPENDIX D

Federal question 28 U.S. Code § 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.(June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.)

23. 28 U.S.C. § 1746, provides in relevant part:
28 U.S. Code § 1746. Unsworn declarations under penalty of perjury Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification,

or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)". (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)". (Added Pub. L. 94-550, § 1(a), Oct. 18, 1976, 90 Stat. 2534.)

APPENDIX D

Courts of Appeals; Certiorari; Certified Question 28 U.S. Code § 1254

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

(June 25, 1948, ch. 646, 62 Stat. 928; Pub. L. 100-352, § 2(a), (b), June 27, 1988, 102 Stat. 662.)

APPENDIX D

**Direct Appeals from Decisions of Three-
Judge Courts 28 U.S. Code § 1253**

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges. **(June 25, 1948, ch. 646, 62 Stat. 928.)**

APPENDIX E

AMENDED NOTICE OF APPEAL

**Case 1:17-cv-01181-TWT Document 170
Filed 08/20/18**

Page 1 of 27

Case: 18-13553 Date Filed: 08/23/2018

Page: 1 of 27

**NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION FILED IN CLERK'S
OFFICE**

William James, Sui Juris

Terri V. Tucker aka

(Donald-Strickland), Sui Juris

Plaintiffs / Counter-Defendants,

v.

Barbara Hunt et. al. and Judge

Thomas W. Thrash Jr.

Defendants/ Counter-Plaintiffs,

FILED IN CLERK'S OFFICE

U.S.D.C. - Atlanta

AUG 20 2018

JAMES N. HATTEN, CLERK

92a

BY: RENJEX DEPUTY CLERK

Case# 1:17-CV-1181-TWT

APPELLANTS WILLIAM JAMES, TERRI TUCKER, JOINT AND CONSOLIDATED AMENDED NOTICE, AMENDED APPEAL AND AMENDED NOTICE OF APPEAL AND NOTICE OF APPEAL NO: 17-14866 REQUESTING PERMISSION FOR ALL PARTIES TO FILE SUPPLEMENTAL BRIEFS ON DISTRICT DOCS 145-169 PLAINTIFFS/COUNTER DEFENDANTS/APPELLANTS WILLIAM JAMES AND TERRI TUCKER, JOINT AND CONSOLIDATED AMENDED NOTICE, AMENDED APPEAL AND AMENDED NOTICE OF APPEAL AND OR JOINT AND CONSOLIDATED NOTICE OF APPEAL FOR 11TH CIRCUIT CASE APPEAL NO: 17-14866 WHICHEVER IS ACCEPTED FROM THE ENTIRE DISTRICT CASE NO: 17-CV-1181-TWT DOCUMENTS I THROUGH 169 ALL ORDERS ON THE CLOSED RECORD AND TO SUPPLEMENT THE RECORD AND STAY OF APPEAL 17-14866 UNTIL DECISION ON PERMISSION OF MOTION FOR RECONSIDERATION IS DECIDED AND

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 2 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page:
2 of 27

RESOLVED ON COUNTER PLAINTIFFS
DEFENDANTS/ APPELLEES BARBARA
HUNT, HARPO, LIONS GATE

**ENTERTAINMENT, OPRAH WINFREY,
OPRAH WINFREY NETWORK (OWN),
TYLER PERRY AKA EMMETT PERRY, JR
(BUDDY) AND ALL OTHER NAMES AND
ALIASES, TYLER PERRY COW ANY,
TYLER PERRY STUDIOS, LLC AND
JUDGE THOMAS W. THRASH JR**

Appellants William James and Terri Tucker Prose Litigants and "Private Attorney Generals" file this Joint and Consolidated Amended Notice, Amended Appeal, Amended Notice of Appeal and or a Joint Consolidated Notice of Appeal incorporating all (Doc. 1-169) whichever is accepted for the Eleventh (11th Cir.) Court of Appeal No: 17-14866 from the entire District Case No: 17-CV-1181- TWT with documents in the district court (Doc. 1 through 69) and to Supplement the Appellate court record with remaining District Court Records (Doc. 145 through 169, as well as Doc. 1 through 144) to save judicial time and costs and to avoid a piecemeal appeal and are currently open in 11th Cir. Court of Appeals under case no. 17-14866.

Requesting that all Documents of the district court (Doc. through 169) of the record for case #17-CV-1181-TWT on all final orders and Judgments (Doc. 138, 154, 168 and 169) be incorporated under the one case number for a total decision on the entire record against all Appellees / Counter Plaintiffs / Defendants Barbara Hunt, Harpo, Lionsgate Entertainment, Oprah Winfrey, Oprah Winfrey Network (OWN), Tyler Perry aka Emmett Perry Jr. and all known

Aliases, Tyler Perry Company, Tyler Perry Studios and Judge Thomas

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 3 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 3 of 27

W. Thrash, Jr. and also to include the Appellants Counter Defendants Plaintiffs William James and Terri Tucker's request for permission that all parties file supplemental briefs on District case (Doc. 145 through 169) a decision rendered by Judge Thomas W. Thrash on counterclaim and summary judgment (Doc. 157) filed after (Doc. 144) or provide oral argument as "private attorney general" may appear in any court without an attorney or a bar license required by practicing attorneys to appear per 18 U.S.C. 1962 appearing for the appeal which was filed with third final Judgment and orders,

the Plaintiffs William James and Terri Tucker appealing the Granting and award to Defendants Barbara Hunt et. al. attorney's fees as well entered by the clerk of the court (Doc. 169) pursuant to Rule 59 and denial of enforcement of awarded Judgment (Doc. 162 for orders Doc. 154 on Appellants Doc. 143) also to be considered are Rules: (1) Rule 10(e)(2)(C) of the Federal Rules of Appellate Procedure, (2) Rule 201 of the Federal Rules of Evidence, and (3) the inherent equitable authority of the federal courts of appeals. (4) the evidence in the Appellate record included a (Doc. 154) which are Judge Thrash's Orders 154 used

to rule for Plaintiffs William James (Doc. 143) prior to the Appellate Courts assuming the case on the Appeal and in order for the Appellate Court to intervene on the additional issues supplementing the record on the current appeal is necessary and warranted, it will save judicial time and cost. Pursuant to Appellate Rules of Procedure (Rule 3, 4, 24, 27 and 48) and 28 U.S.C. 1927 and

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 4 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 4 of 27

the "Inherent Equitable Authority of the Appeals Court" will allow the Appellate court the opportunity to address the entire record in the district court in its totality for Federal Rule of Civil Procedure (Rule 60) for Fraud Upon the Court, Judicial Error and Abuse of Discretion of the entire record. This case sets precedence for the U.S. Supreme Court, there are U.S. Constitutional Violations, Unfair Processes and Disadvantages to Pro Se Litigants as Laws were ignored, Bias and Prejudices and furthermore, RICO Laws are being ignored 18 U.S.C. 1961-1964, the people of the United States are being railroaded, deceived and overshadowed by major corporations who disenfranchise owners of intellectual properties, the merits of the case are Civil RICO, Sherman Anti-Trust, Clayton Act and Hobbs Act and other federal laws against all Appellees Barbara Hunt, HARPO, Oprah Winfrey, Oprah Winfrey Network (OWN), Tyler

Perry aka Emmett Perry Jr. and All Aliases, Tyler Perry Company, Tyler Perry Studios, Chief Judge Thomas W. Thrash, Jr., hereinafter (Defendants/Counter-Plaintiffs Appellees) according to Eleventh Circuit Court of Federal Rule of Appellate Procedure ("Fed. R. App. P.") 27-4 are meritoriously being decided by a panel of Judges in the Appellate Court in which they have elected Probable Jurisdiction. Issues on Appeal, Supplemented Documents and Amended Documents for Appeal and Enumerated Errors of Law and Fact, Fraud Upon the Court Pursuant to Rule 60 (b)(3)(4)(6), (d)(3). Extreme Prejudice and Bias 28 U.S.C. 455 etc.

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 5 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 5 of 27

1. On October 26, 2017 Appellants William James and Terri Tucker filed an Appeal on the Case on the Merits of Civil Rico and other Anti-trust laws, see Complaint Doc. 1, seeking Justice as a matter of law (Doc. 144.)

2. On October 30, 2017 Appellants filed (Doc. 14S) Notice of Appeal Transmission Letter was filed and served to Appellees and (Doc. 146) Transmission of a Certified Copy of Notice of Appeal, Order ad Docket Sheet to US Court of Appeals to the 11th Circuit Court of Appeals, and on October 31, 2017 the District Court filed corrected docket sheet to USCA.

3. On October 31, 2017 (Doc. 147) was filed for Appeal Fees received \$SOS .00 Receipt number GAN1 00097204 and Notice of Appeal filed by Terri Tucker and William James.

4. On October 31, 2017 (Doc. 148) Transcript Order For re: Notice of Appeal. S. On October 31, 2017 (Doc. 149) USCA Acknowledgment of (Doc. 144) Notice of Appeal for Case 17-14866-FF. 6. On November 03, 2017, (Doc. ISO), Response in Opposition re (Doc. 141) Motion for Writ of Mandamus. 7. On November 08, 2017 (Doc. 151), Response in Opposition re to (Doc. 142), Motion for Reconsideration. 8. On November 14, 2017, (Doc. IS2), Reply Brief re (Doc. 142) Motion for Reconsideration.

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 6 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 6 of 27

9. On November 16, 2017 (Doc. 154), Order denying (Doc. 141, and 142), and Granting (Doc. 143). 10. On November 21, 2017, (Doc. 155), NOTICE of Change of Address for William James 11. On November 27, 2017, (Doc. 156), OBJECTION AND REBUTTAL TO CHIEF JUDGE THOMAS W. TIIRASH'S (Doc. 154) Order filed by William James, Terri V. Tucker. 12. On February 05, 2018 (Doc. 157) Defendants/Counter Plaintiffs/ Appellees First MOTION for Summary Judgment with Brief in Support by Harpo, Lionsgate Entertainment, Oprah Winfrey Network, Tyler Perry, Tyler Perry Company, Tyler Perry

Studios, Oprah Winfrey. 13. On February 06, 2018, (Doc.) (Entered: 02/06/2018). 14. On February 26, 2018, (Doc. 159),

RESPONSE in Opposition re (Doc.157) First MOTION for Summary Judgment filed by William James, Terri V. Tucker. (Entered: 02/26/2018). 15. On February 26,2018, (Doc. 160), Response to Statement of Material Facts re 157 First MOTION for Summary Judgment filed by William James, Terri V. Tucker. (Entered: 02/26/2018). 16. March 12,2018 (Doc. 161), REPLY BRIEF re 157 First MOTION for

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 7 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 7 of 27

Summary Judgment filed by Harpo, Lionsgate Entertainment, Oprah Winfrey Network, Tyler Perry, Tyler Perry Company, Tyler Perry Studios, Oprah Winfrey. 17. March 19,2018, (Doc. 162), MOTION for Judgment by William James, Terri V. Tucker. 18. March 26, 2018 (Doc. 163), ORDER of USC A - 11th Circuit DENYING Petitioner's Petition for Writ of Mandamus from the United States District Court for the Northern District of Georgia because the Petition is frivolous. USC A Case Number 18-10164-C. (kick). 19. April 03, 2018, (Doc. 164),

RESPONSE in Opposition re 162 MOTION for Judgment filed by Harpo, Barbara Hunt, Lionsgate Entertainment, Oprah Winfrey Network, Tyler Perry, Tyler Perry Company, Tyler Perry Studios, Oprah Winfrey. 20. April 17,

2018, (Doc. 165), REPLY BRIEF re (162) MOTION for Judgment filed by William James, Terri V. Tucker. 21. April 25, 2018, (Doc. 166),

Certified copy of ORDER of USC A GRANTING Appellees' Motion Seeking Leave to File a Supplemental Appendix re: 144 Notice of Appeal filed by Terri V. Tucker, William James. 22. May 03, 2018, (Doc. 167)

Certified copy of ORDER of USC A DENYING Appellants' "Request for Full Disclosure", DENYING Appellants' "Motion for Sanctions on Appellees", DENYING Appellants' "Motion to Compel Appellees Barbara Hunt et al. [to] Respond to the Appellant Motion for Full Disclosure" re:

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 8 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 8 of 27

144 Notice of Appeal filed by Terri V. Tucker, William James. In light of this Court's March 29, 2018 letter, stating that it appears that this Court has jurisdiction to consider the appeal, and leaving a final determination regarding jurisdiction to the panel to whom this appeal is submitted on the merits, Appellees'

"Request that Further Filings be Stayed Until the Court Decides the Jurisdiction Questions" is DENIED. Case Appealed to USCA - 11th Circuit. USCA Case Number 17-14866FF. (kac) (Entered: 05/03/2018) 23. August 10, 2018, (Doc. 168), ORDER granting Defendants' (Doc.157) Motion for Summary Judgment and

denying Plaintiff's (Doc.162) Motion for Judgment. Signed by Judge Thomas W. Thrash, Jr. on 8/10/18. (jkl) (Entered: 08/10/2018).

24. August 10, 2018, (Doc. 169), CLERK'S JUDGMENT in favor of Defendants against Plaintiffs for costs of action. (jkl)--Please refer to <http://www.ca11.uscourts.gov> to obtain an appeals jurisdiction checklist-- (Entered: 08/10/2018) 25. August 10, 2018, Civil Case Terminated. Review for Abuse of Discretion.

26. April 03, 2017 through August 10, 2018, Appellants /Counter Claimants /Appellants seek leave to combine all (Doc. 1-169) on amended appeal or notice of appeal whichever is allowed and Supplementing the Amended Notice of Appeal to incorporate all (Doc. 144-169) pursuant to Appellate and 11th Circuit Court of Appeals Rule 3 and Rule 4 to avoid a piecemeal appeal.

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 9 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 9 of 27

Plaintiffs/Counter Defendants/Appellees request the Appeals Court to review for Abuse of Discretion and "Review under the clearly erroneous standard is significantly deferential." Concrete Pipe and Prods. v. Construction Laborers Pension Trust, 508 U.S. 602, 623 (1993). Review for Abuse of Discretion and Clear Error of Law 28. The Judge's Orders (Doc. 138, 154 and 168) conflict with one another, in (Doc. 138) the Orders state Judgement for Defendants whereas the document is a Rule 12(c) filed by Counter

Plaintiffs, yet Judge states in 11th Cir. Court case 17-14866, saying it is Judgement for Counter Plaintiffs/Defendants,

it was also on the wrong merits and not based on (Doc. 1) which should have been treated as the First Summary Judgment per Rule 56 to allow the Plaintiffs/ Counter Defendants the Opportunity to present the merits and material facts as well as the Defendants/Counter Plaintiffs failed to properly answer the Plaintiffs /Counter Defendants (Doc. 61) Motion for Judgment on the Pleadings and Motion for Summary Judgment (Rule 56) failing to respond according to NDGA Local Rule 56.1, and failing to answer all charges of the document. (Doc.154), the Judge then grants the Plaintiffs/Counter Defendants (Doc. 143) final request for Judgment. When Plaintiffs/Counter Defendants request to enforce Judgement with (Doc. 162) the Judge Denies it with final Judgement (Doc. 168 and Clerks Judgment 169). 29. In the Judges final Judgment Doc. 168, he resorts once again to extremely

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 10 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 10 of 27

prejudice and bias name calling of the Plaintiffs/Counter Defendants. 30. Abuse of Discretion to allow the Defendants/Counter Plaintiffs the allowance to add (Doc. 157) on the record 4 months after what he states is the close of the record on the Jurisdiction Answer that the Judge provided on February 06, 2018 for 11th

Cir. Case#17-14866, the Judge also admits that when he ruled on (Doc. 74) on Orders (Doc. 138) he stated Admittedly there was no Counterclaim on the record and it could have been brought as a motion for sanctions, the Judge neither the Defendants filed a sanction or a Motion for Counterclaim yet he abuses his discretion by adding and acting as counsel for the Counter Plaintiffs/Defendants by adding that as a charge to the Order (Doc. 138), which proves he cannot rule fairly within the confines of the law, and is taking personal attacks on the Plaintiffs/Counter Defendants, the title and termination of the case on the record is clearly Fraud Upon the Court Pursuant to Federal Rules of Civil Procedure (Rule 60) and abuse of discretion on a 54(b) whereas extreme prejudice and bias pursuant to 28 U.S.C. 455 Judge is Defendant on the current case.

31. The Counter Plaintiffs/Defendants were in default when they filed (Doc. 74) and were in Default when they filed (Doc. 157) Summary Judgment due to (Doc. 85) pursuant to (Rule 14 and Rule 55) in which they never attempted to cure, the never objected/opposed to Plaintiffs/Counter Defendants (Doc. 143). Review for Extreme Bias and Prejudice 28 U.S.C. 455, Fraud Upon the Court Rule

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 11 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 11 of 27

60(b)(3)(4)(6) and (d)(3).

32. On June 29, 2017, Judge Thomas W. Thrash Jr. filed Orders (Doc. 76) granting the Appellees to set aside the Default motion. A motion to set aside a default is only good for 6 months to execute a motion for excusable neglect to the court, yet throughout the record there was none filed. Further abuse of discretion, Extreme prejudice and bias against the Appellants pursuant to 28 U.S.C. 455, Review for Abuse of Discretion and Reversal upon appeal and Fraud Upon the Court Rule 60(d)(3).

33. On June 29, the Appellees had the right to file defensive responses to the Appellants Motions for Rule 12(f), Summary Judgement, and answers to Original Complaint (Doc. 1 and Doc. 85) Amended complaint and have not to date and six (6) months have lapsed for a responsive motion and none was filed. Review for Abuse of Discretion, Extreme Prejudice 28 U.S.C. 455, Default Rule 55, and reversal on appeal. 34. On October 19, 2017 when the Orders (Doc. 138) terminated the case there was not any counterclaim or motion for sanctions on the record October 19, 2017 in which affords the Appellants the allowance to file a defensive, corrective or responsive motion for a counterclaim or answer to complaint (doc.1 or Doc. 85). Fraud Upon the Court Rule 60 (d)(3)(4)(6), (d)(3) and Review for Abuse of Discretion.

**Case 1:17-cv-01181-TWT Document 170
Filed 08/20/18 Page 12 of 27**

35. On February 06, 2018 the Chief Judge Thomas W. Thrash responds and admits to the Appeals Court Jurisdictional Question entering a Judgment for Counterclaim that was never asserted in a proper separate Motion of its own for the Appellees. The Chief Judge a defendant acted as counsel for the Defendants entering the counterclaim on the record which circumvents the system of jurisprudence and law violating the Appellants constitutional rights of Due Process of the 5th, 7th 14th Amendments and further abuse of discretion. Sanctions is warranted according to the 11th Cir. Rule 27-4(b) it contains assertions of material facts that are false or unsupported by the record. Review for Fraud Upon the Court Pursuant to Rule 60(b)(3)(4)(6), (d)(3).

a. The Judge also stated there was nothing left in the lower court to rule on and the proceedings was appealable pursuant to the ruling of (Doc. 138) (Rule 54(b)) which states there must be a claim, counterclaim or crossclaim on the record in order to (Rule on 54 (b)) in the manner that the Judge did on October 19, 2017. it was the intention of the court to remove jurisdiction from the 11th Cir. Court of Appeals and to tie the case up indefinitely, review for Abuse of Discretion and Fraud Upon the Court Pursuant to Rule 60(b)(3)(4)(6), (d)(3). b. On February 5, 2018, three (3) months after the final Judgement on October 19, 2017 the Appellees attempted to insert a Motion for Counterclaim

Summary Judgment long after the case was closed. The frivolous filing (Doc. 157) which is

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 13 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 13 of 27

sanctionable and violates the discovery laws for entering new material evidence after the close of the record and denies the Appellants due process to conduct discovery on the affidavits submitted by the Appellees. The violations give the Appellate court jurisdiction. 11th Cir. Court Appeals 27-4 (c) it is presented for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Whatley v. CNA Ins. Co.*, 189 F.3d 1310, 1313 (11th Cir. 1999).

The court must view all evidence and all factual inferences reasonably drawn from the evidence in the light most favorable to the nonmoving party. *St. Charles Foods, Inc. v. America's Favorite Chicken Co.*, 198 F.3d 815, 819 (11th Cir. 1999). When the 11th Cir. Court of Appeals asked a Jurisdictional Question the District Judge Thrash stated there was nothing on the record and he admittedly rule on a counterclaim that did not exist. Review for Abuse of Discretion.

36. On February 26, 2018 the Appellants Responded to the motion (Doc. 157) in the district

court to state it was out of time, the case was closed and in violation of the Judges Orders (Doc. 138) which states the case was appealable and closed this frivolous filing by the Appellees was to erroneously prolong litigation in the lower court. Review for Abuse of Discretion. 37. On November 20, 2018 (Doc. 154) the Judge abused his discretion and violated

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 14 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 14 of 27

the Appellants constitutional rights by restricting the Appellants and only the Appellants by stating The Clerk is directed to file any papers received from the Plaintiffs but should not docket any papers as motions requiring action by the Court until so ordered by the Court. Signed by Judge Thomas W. Thrash, Jr. on 11/20/17. (jkl) (Entered: 11/21/2017). Yet this restriction was not extended to all litigants and thereby prejudiced the Appellants. Erroneous admission/exclusion of evidence.

Reviewed under abuse of discretion standard. *Piamba Cortes v. American Airlines, Inc.*, 177 F.3d 1272, 1305-06 (11th Cir. 1999). The complaining party must establish that the error resulted in a "substantial prejudicial effect." *Id.* This establishes substantial prejudice to allow the Appellees to file freely without restriction and to restrict the Appellants violates the Appellants 1st, 7, 8, 14 Amendment of the U.S. Constitution. Cruel and unusual punishment to violate the

rights of the Plaintiffs / Counter Defendants by ignoring the merits of the case which is RICO and all incorporated laws and charges of (Doc. 1). 37. Review for Abuse of Discretion.

38. On February 5, 2018 The Appellees inserted over 25 affidavits for the assertion of the erroneous counterclaim that violates Federal Rule of Civil Procedure - Rule13, Rule 56(f) motion for continuance to obtain affidavits or discovery. Review for abuse of discretion. Carmical v. Bell Helicopter Textron, Inc., 117 F.3d 490, 493 (11th Cir. 1997); Burks v. American Cast Iron Pipe Co., 212 F.3d 1333,

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 15 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 15 of 27

1336 (11th Cir. 2000). The submission of the Counterclaim (Doc. 157) after the Judgment has been instituted on the case. This violated the Appellants right to engage in discovery and the Appellants Motion (Doc. 92) to compel discovery filed on July 27, 2017. Reviewed for abuse of discretion. R.M.R. by P.A.L. v. Muscogee County Sch. Dist., 165 F.3d 812, 816 (11th Cir. 1998).

39. The failure of the Appellees to respond to the "Request for Full Disclosure" filed by Appellants William James and Terri V. Tucker. [8386183-1] is an admission and lends credence to the fact that the Judge should have recused himself in the case#17-CV-1181-TWT. The Appellees responded to the question for clarity providing the evasive statement that that the

Attorney Tom J. Ferber does not represent the Judge on the current action but has not responded as to all of the questions on the Appellants FULL DISCLOSURE REQUEST.

This is also sanctionable as the time has elapsed to respond. The Appellees intentionally filed multiple motions on the 11th Cir. Court of Appeals cases 17-1466-FF and 17-12394-EE without leave or permission of the appellate court knowing pro se litigants would following court procedure and all motions would be reviewed as moot or frivolous. Sanctionable towards Defendants Counsel who are seasoned attorneys knowing violate court room procedure.

40. On February 26, 2018 the Plaintiffs / Counter Defendant / Appellants filed a response to the Defendants / Counter Plaintiffs / Appellees (Doc. 160) Plaintiffs

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 16 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 16 of 27

Objection and Opposition to Defendants First Summary Judgment for Counterclaim and Response to Petitioners ALL Writs Act Claim and Objection and Opposition to the Defendants/Petitioners Statement of Theories of Recovery and Material Facts as to Which

There is No Genuine Issue. Defendants claimed Plaintiffs failed to answer which is untrue, extreme bias and prejudice in this case is allowing the Defendants to file this Document 4 months after the termination of the case and not

requiring the Defendants to properly answer Plaintiffs Summary Judgement (Doc. 61) filed previously on June 06, 2017 in which the Defendants defaulted. Review for fraud upon the court, by an officer of the court Rule 55, 60(d)(3) and 28 U.S.C. 455 the Judge cannot remain neutral and fair.

41.

The award for Injunction Orders (Doc. 168) against the Appellants/Counter Defendants / Plaintiff stating the Plaintiffs must request permission to file any motion outside of appeal would render Notice of Appeal moot and violate their rights on this final order since in order for the Appellate Court to take a hard look at an appeal would need first to see that the Appellants addressed the issues prior to the appeal in a motion to reconsideration since the 11th Cir Court of Appeals only has Jurisdiction from 1 through 144 on the District Court Record. The Piecemeal appeal was meant to indefinitely tie the case up since (Doc. 145-169) would be a piecemeal appeal where a decision would be needed on other documents in the

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 17 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 17 of 27

record and even if Plaintiffs proved case on appeal the final orders would have conflicted the case on decision resulting in a stalemate. Therefore, a joint and consolidated or notice amending or notice incorporating all documents

from (Doc. 1-169) is needed to cure defective appeal issue and 42. Appellants / Counter Defendants / Plaintiffs request stay of Current Appeal until the District Judge Rule on Permission to file Motion for Reconsideration to give the District Judge the Opportunity to answer the motion with a grant or denial and filing of Motion for Consideration with an answer should permission be granted. Relief Sought and Additional Errors of Law 1.

In light of the Judges admission to ruling (Doc. 138) on a Counter claim motion never filed by Defendants/Counter Plaintiffs/ Appellees all district court orders should be rescinded or vitiated and a clear showing of abuse of discretion and clear erroneous ruling established in the 11th Cir.

Court of Appeals Case # 17-14866 Jurisdictional Question and Answers by all parties giving probable jurisdiction and erroneous All Writs filed by Defendants/Counter Plaintiffs/ Appellees relief requested is that the 11th Cir review the entire merit of the case on all issues to include Defendants multiple defaults of Answers, Summary Judgment, Amended Answers in which even the Defendant Judge Thomas W. Thrash Jr. responded to and tried to remove liability from the Defendants when they defaulted and failed and should have been sanction and to reverse all orders and decisions in the lower

**Case 1:17-cv-01181-TWT Document
170 Filed 08/20/18 Page 18 of 27**

court clearly warranting damages award. Reviewed under clearly erroneous standard. *Bunge Corp. v. Freeport Marine Repair, Inc.*, 240 F.3d 919, 923 (11th Cir. 2001). 2. In light of Appellees Barbara Hunt et. al and admitted Judge Thrash the clearly erroneous filing of a non-existent counterclaim after the Judgment on October 19, 2017 for (Doc. 140) which was a Judgment entered into the record, then removed the same day to erroneously cause confusion of litigation in the Appellate Court. We request this to be reviewed for clearly intentional Abuse of Discretion as a matter of law.

3. The coordinated efforts of the court, the Judge and the Appellees show the manner in which they worked in concert to deceive the system and remove jurisdiction falsely the appellate court which is in "bad faith" and "sanctionable."

4. Rule 60(b) motion filed in the lower court (Doc. 142), on appeal case #17-14866 and the Jurisdictional Answers filed by all Appellees that there was substantial Fraud Upon the Court, to include an entry of the Lawyer Tom J. Ferber as representative between January 24, 2018 and February 7, 2018 and a partial disclosure that warranted a full disclosure is sanctionable and will be compelled. The Appellees asking the Appellate Court not to Charge the Appellees with RICO as it should be according to the merits asserted by the Appellants in their original complaint (Doc.1)

and the circumvention of the law and orders of the Judge (Doc.

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 19 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 19 of 27

138), shows the Appellees blatant disregard for the law and has made a circus of the court in the assertion of the claim of copyright infringement never asserted by the Appellants.

The Appellees never fully responded to the Jurisdictional question. This is sanctionable to file such motions pursuant to Rule 11, frivolous motions. The Appellees to Include the Judge filed a frivolous response to the Jurisdictional Question answering in part admitting in part, and not answering the analysis of the Res Judicata argument and the request to show this in the response is sanctionable.

The Appellees Counsel stated for the Jurisdictional Question they have no controlling law for what they have filed, this renders all motions filed by appellees as frivolous. Reviewed for abuse of discretion. *American Bankers Ins. Co. v. Northwestern Nat'l Ins. Co.*, 198 F.3d 1332, 1338 (11th Cir. 1999); *Toole v. Baxter Healthcare Corp.*, 235 F.3d 1307, 1316 (11th Cir. 2000).

However, motion under Rule 60(b)(4), on grounds that judgment is void, reviewed de novo. *Burke v. Smith*, 252 F.3d 1260,1263 (11th Cir. 2001). Award/ denial of costs under Rule 54(d). Reviewed for abuse of discretion. *EEOC v. W, Inc.*, 213 F.3d 600, 619 (11th Cir. 2000).4.

Appellants / Counter Defendants / Plaintiffs request stay of Current Appeal until the District Judge Rule on Permission to file Motion for Reconsideration to give the District Judge the Opportunity to answer the motion with a grant or denial and filing of Motion for Consideration with an answer should permission be granted.

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 20 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 20 of 27

5. Appellants / Counter Defendants / Plaintiffs request permission to cure piecemeal appeal by Joining, Consolidating, Amending Notice of Appeal and Appeal or consolidating and joining and Supplementing the appeal 17-14866 with current (Doc. 145-169 to incorporate Doc. 1-169).

6. Appellants / Counter Defendants / Plaintiffs requesting the 11th Cir. Court of Appeals make one collective meritorious decision on all documents and supplement the record (Doc. 145-169 with Doc. 1-169) to avoid a partial or piecemeal appeal.

CONCLUSION

Plaintiffs/ Counter Defendants / Appellants William James and Terri Tucker “Prose Litigants” and “Private Attorney Generals” ask that this Joint and Consolidated Amended Notice, Amended Appeal and Amended Notice of Appeal and Notice of Appeal for the Eleventh (11th Cir.) Court of Appeal No: 17-

14866 from the entire District Case No: 17-CV-1181-TWT with documents in the district court (Doc.1 through 69) and to Supplement the Appellate court record with remaining District Court Records Doc. 145 through 169, as Doc. 1 through 144 are currently with the case no. 17-14866.

Requesting all Documents of the district court (Doc. 1through 169) of the record for case #17-CV-1181-TWT on all final orders and Judgments (Doc. 138, 154, 168 and 169) for a total decision on 11th Cir. Court of Appeals Case 17-14866 and issue a motion to stay until permission be decided on

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 21 of 27

Case: 18-13553 Date Filed: 08/23/2018 Page: 21 of 27

motion for reconsideration on the entire record and requesting permission that all parties file supplemental briefs or have Oral Argument on District Court Case 17-CV-1181-TWT (Doc. 145 through 168) a decision rendered by Judge Thomas W. Thrash on a counterclaim and summary judgment (Doc. 157) filed after (Doc. 144) appeal was filed with second final Judgment and orders against Plaintiffs William James and Terri Tucker appealing the Grant and award to Defendants Barbara Hunt et. al. attorney's fees as well entered by the clerk of the court (Doc. 169) pursuant to Rule 59 and denial of enforcement of awarded Judgment (Doc. 154 on Doc. 143) based on (1) Rule 10(e)(2)(C) of the

Federal Rules of Appellate Procedure, (2) Rule 201 of the Federal Rules of Evidence, and (3) the inherent equitable authority of the federal courts of appeals. (4) the evidence in the Appellate record included a (Doc. 154) which are Judge Thrash's Orders 154 used to rule for Plaintiffs William James (Doc. 143) prior to the Appellate Courts assuming the case on the Appeal and in order for the Appellate Court to intervene on the additional issues supplementing the record on the current appeal is necessary and warranted, it will save judicial time and cost.

Pursuant to Appellate Rules of Procedure (Rule 3, 4, 24, 27 and 48) and 28 U.S.C. 1927 and the "Inherent Equitable Authority of the Appeals Court" will allow the Appellate court the opportunity to address the entire record in the district court in its totality for Federal Rule of Civil Procedure (Rule 60) for Fraud Upon the Court, Judicial Error and Abuse of Discretion of the entire record. This case sets

Case 1:17-cv-01181-TWT Document 170

Filed 08/20/18 Page 22 of 27

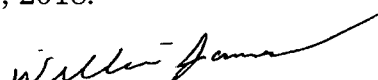
Case: 18-13553 Date Filed: 08/23/2018 Page: 22 of 27

precedence for the U.S. Supreme Court, there are U.S. Constitutional Violations, Unfair Processes and Disadvantages to Pro Se Litigants as Laws were ignored, Bias and Prejudices and furthermore, RICO Laws are being ignored 18 U.S.C. 1961-1964, against Appellees Barbara Hunt et. al. be "GRANTED" whereas the laws in which sought after are in the interest of

the General Public and sets U.S. Supreme Court Precedence and the interest in establishing new and controlling law, equal Judgment to all citizens, and in the Areas of Civil Rico.

The Plaintiffs / Counter Defendants /Appellants are requesting that the Appellate maintain Jurisdiction due to the apparent clearly erroneous and substantial abuse of discretion of the Appellant Judge and the Appellees which are high profile entertainment industry cartel, operating under the laws in violation to Civil Rico Pursuant to 28 U.S.C. 1961-1965(b). Upon the foregoing statement of facts, and citations of authorities, preserving the rights of all document's arguments of the current appeal 17-14866-FF, the current record of 17-CV-1181-TWT and all this Court should consider sanctioning evidence, exhibits, amendments, pleadings, motions, reply's etc.

Submitted: August 20, 2018.



William
James
PRIVATE ATTORNEY
GENERAL
3058 Fresno Lane
Homewood, Illinois 60430
Email:
BJ255758@yahoo.com

Case 1:17-cv-01181-TWT Document 170
Filed 08/20/18 Page 23 of 27

Case: 18-13553 Date Filed: 08/23/2018

Page: 23 of 27

Phone: 773-990-9373

Terri V. Tucker (aka)

Donald-

Strickland

PRIVATE

ATTORNEY GENERAL

1136 Joslin Path

Douglasville, GA

30134

Email: terrilowe43@gmail.com

Phone: 678-822-4593

IMPORTANT DOCUMENTS

APPENDIX F

Case 1:17-cv-01181-TWT Document 173

Filed 08/23/18 Page 1 of 1

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

2211 UNITED STATES COURTHOUSE 75

TED TURNER DRIVE, SW ATLANTA,

GEORGIA 30303-3361

404-215-1655

JAMES N. HATTEN

DOCKETING SECTION

DISTRICT COURT EXECUTIVE

AND CLERK OF COURT

August 23, 2018

**Clerk of Court U.S. Court of Appeals,
Eleventh Circuit 56 Forsyth Street, N.W.
Atlanta, Georgia 30303**

U.S.D.C. No.: 1:17-cv-1181-TWT U.S.C.A. No.:

00-00000-00

In re: William James, et al.

v.

Barbara Hunt, et al.

Enclosed are documents regarding an appeal in this matter. Please acknowledge receipt on the enclosed copy of this letter.

X

Certified copies of the Notice of Appeal, Docket Sheet, Clerk's Judgment and Orders appealed enclosed.

X

This is not the first notice of appeal. Other notices were filed on: 7/20/17 (USCA Case Number 17-13294-EE).

X

There is no transcript.

The court reporter is.

There is sealed material as described below:

Other:

Fee paid on.

Appellant has been leaving to file in forma pauperis.

This is a bankruptcy appeal. The Bankruptcy Judge is The Magistrate Judge is.

X

The District Judge is Thomas W. Thrash, Jr.

This is a DEATH PENALTY appeal.

Sincerely,

James N. Hatten

District Court Executive and
Clerk of Court

By: /s/ Kimberly Carter

Deputy Clerk

APPENDIX F
WRIT OF MANDAMUS APPEAL DOCKET
8/18/2019 18-10164 Docket
General Docket

**United States Court of Appeals for the
Eleventh Circuit Court of Appeals Docket
#: 18-10164 Docketed: 01/12/2018 Termed:
03/26/2018**

In re: William James, et al
Appeal From: Northern District of Georgia Fee
Status: Fee Paid
Case Type Information:
1) Original Proceeding
2) Petition for writ of mandamus
3) -
Originating Court Information:
District: 113E-1: 1:17-cv-01181-TWT
Civil Proceeding: Thomas W. Thrash, Junior,
Chief U.S. District Judge
Prior Cases: 17-13294 Date Filed: 07/21/2017
Date Disposed: 09/27/2017
Disposition: Dismissed
Current Cases:
Lead Member Start End
Related:
17-14866 18-10164 01/12/2018
17-14866 **18-13553 08/23/2018**
In re:
WILLIAM JAMES
Petitioner
William James
Direct: 773-990-9373
[NTC Pro Se]

Firm: 773-990-9973
14920 S. ASHLAND
HARVEY, IL 60428
TERRI TUCKER

Petitioner
Terri Tucker

[NTC Pro Se]
Firm: 347-705-2043

1136 JOSLIN PATH
DOUGLASVILLE, GA 30134
UNITED STATES OF AMERICA

Mandamus Respondent
Lawrence R. Sommerfeld

[NTC US Attorney]
U.S. Attorney's Office

Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

U.S. Attorney Service –
Northern District of Georgia

[NTC US Attorney]
U.S. Attorney's Office

Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

[https://ecf.ca11.uscourts.gov/n/beam/servlet/Tra
nsportRoom](https://ecf.ca11.uscourts.gov/n/beam/servlet/Tra
nsportRoom) 1/4

APPENDIX F
TRANSMITTED DOCKET 174
Note: DOCUMENT 140 APPEARS OVER
TOP OF DOCUMENT 170

**Case 1:17-cv-01181-TWT Document 174
Filed 08/23/18 Page 1 of 113**

4months, APPEAL, CLOSED

U.S. District Court Northern District of Georgia
(Atlanta)

CIVIL DOCKET FOR CASE #:
1:17-cv-01181-TWT

James et al v. Hunt et al

Assigned to: Judge Thomas W. Thrash, Jr. Case
in other court: USCA - 11th Circuit.,
17-13294-EE USCA - 11th Circuit.,
17-14866-FF

Cause: 18:1964 Racketeering (RICO) Act

Date Filed: 04/03/2017

Date Terminated: 08/10/2018

Jury Demand:

Plaintiff Nature of Suit: 470 Racketeer/Corrupt

Organization Jurisdiction: Federal Question

APPENDIX F

Note: DOUBLE STAMPED BELOW

Here would be document 170 stamped over 140

**IN THE UNITED STATES DISTRICT
COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM JAMES

SUI JURIS, et al.,

Plaintiffs,

v.

CIVIL ACTION FILE

NO. 1:17-CV-1181-TWT

BARBARA HUNT, et al.,

122a

Defendants.

ORDER

This is a pro se civil RICO action. It is before the Court on the Defendants' Motion to Stay [Doc. 87] and Motion for Protective Order, to Stay Discovery, and to Modify the Discovery Period [Doc. 89]. Since the commencement of this action, the Plaintiffs have filed 69 purported motions, counter-motions, replies, amendments, and exhibits, consuming 1,319 pages of record, each with little or no basis in fact or law or relevance, or which are otherwise unintelligible. The Defendants' Motion to Stay [Doc. 87] and Motion for Protective Order, to Stay Discovery, and to Modify the Discovery Period [Doc. 89] are GRANTED.

The Defendants are not required to respond or object to discovery served by the Plaintiffs until further order. Discovery is stayed until 30 days after entry of orders on the Defendants' Motion for Judgment on the Pleadings and Motion to Dismiss. SO ORDERED, this 12 day of July, 2017.
/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX F

Note: CERTIFIED COPY OF DOCKET SHEET "COURT ONLY"

8 of 19

8/31/2018 1:48 PM

10/19/2017(Court only) *** Parties terminated in their role as defendants: Oprah Winfrey Network (OWN), i Tyler Perry, Tyler Perry Company, Tyler Perry Studios ((TPS)), Oprah Winfrey, Harpo and i Lionsgate Entertainment (kl) (Entered: 1011912017)

10/19/2017 (Court only) *** Need/Jgm Flag set. Judgment needed for Doc 131 Order on Motion to Dismiss, r 136 Order on Motion to Dismiss, 138 Order on Motion for Judgment on the Pleadings, (jkl) (Entered: 10/19/2017)

Note: DOCUMENT USED FOR FRAUD OF DOCUMENT 170

10/19/2017 140 (Court only) ENTERED IN ERROR CLERK'S JUDGMENT in favor of Defendant against Plaintiffs for costs of action. (kl)--Please refer to <http://www.cal1.uscourts.gov> to obtain an i appeals jurisdiction checklist-(Additional attachment added on 1011912017: #1 (typo corrected) (jkl). Modified on 10/19/2017 (jkl) (entered: 10/19/2017)

Note: JUDGE DENIES PETITIONERS RIGHTS TO FILE MOTIONS IN CIVIL RICO

7of 19

8/31/2018 1:48 PM

11/20/2017 154 ORDER DENYING 141 Motion for Writ of Mandamus; DENYING 142 Motion for Reconsideration; GRANTING 143 Motion for Appeal under 1292(b) to the extent that the I Plaintiffs may appeal as of right and

otherwise DENYING. The Clerk is directed to file any papers received from the Plaintiffs but should not docket any papers as motions requiring i action by the Court until so ordered by the Court. Signed by Judge Thomas W. Thrash, Jr. on 11/20/17. (kl) (Entered 11/21/2017)

**Note: DOCUMENT 170
FRAUD UPON COURT**

5 of 19 **8/31/2018 1:48 PM**
08/20/2018 (Court only) *** Motions terminated: 170 MOTION to Supplement MOTION to Stay filed by Terri V. Tucker, William James, (jdb) (Entered:08/222018)

**Note: ORDERS FRAUD 154,
MOTIONS 171,172**

5 of 19 **8/31/2018 1:48 PM**
08/27/2018 (Court only) ***Motions terminated, see 154 Order: 171 MOTION for Leave to File, 172 - MOTION for Leave to File. (Jkl) (Entered:0812712018)

**APPENDIX F
3/6/2019 CM/ECF-GA Northern District
Court**

**https://ecf.gand.uscourts.gov/cgi-bin/DktRpt.pl?351974827453684-L_1_0-1
18/20**

08/10/2018 169 CLERK'S JUDGMENT in favor of Defendants against Plaintiffs for costs of action. (jkl)--Please refer to <http://www.call.uscourts.gov> to obtain an appeals jurisdiction checklist-- (Entered:

08/10/2018) 08/10/2018 Clerk's Certificate of Mailing to William James, Terri V. Tucker re 168 Order, 169 Clerk's Judgment. (jkl) (Entered: 08/10/2018) 08/10/2018 Civil Case Terminated. (jkl) (Entered: 08/10/2018) 08/20/2018 170 Joint and Consolidated Amended Notice of Appeal from Documents 1-169, and to Supplement the record and to Stay Appeal No. 17-14866 by William James, Terri V. Tucker. (kac) Modified on 8/22/2018 (jdb). (Entered: 08/20/2018)

08/20/2018 171 Plaintiffs Request Permission to File an Objection and Opposition to 168 Order and 169 Clerk's Judgment by William James, Terri V. Tucker. (jkl) Modified on 8/27/2018 (jkl). (Entered: 08/21/2018)

08/20/2018 172 Plaintiffs Request Permission to File Motion to Reconsideration of 168 Order and 169 Clerk's Judgment by William James, Terri V. Tucker. (jkl) Modified on 8/27/2018 (jkl). (Entered: 08/21/2018)

08/23/2018 173 USCA Appeal Transmission Letter to 11th Circuit re: 170 Joint and Consolidated Amended Notice of Appeal from Documents 1-169 filed by Terri V. Tucker, William James. (kac) Modified on 8/23/2018 (kac). (Entered: 08/23/2018)

08/23/2018 174 Transmission of Certified Copy of Joint and Consolidated Amended Notice of Appeal, Clerk's Judgment, Orders and Docket Sheet to US Court of Appeals re: 170 Joint and Consolidated Amended Notice of Appeal. (kac) Modified on 8/23/2018 (kac). (Entered: 08/23/2018)

08/23/2018 175 CORRECTED USCA Appeal Transmission Letter to 11th Circuit re: 170 Joint and Amended Consolidated Notice of Appeal filed by Terri V. Tucker, William James. (kac) Modified on 8/23/2018 (kac). (Entered: 08/23/2018)

08/23/2018176 Forwarded CORRECTED Appeal Transmission Letter and docket sheets to USCA re: 170 Joint Amended Consolidated Notice of Appeal filed by Terri V. Tucker, William James. Case Appealed to USCA - 11th Circuit. USCA Case Number 00-00000-00. (kac) Modified on 8/23/2018 (kac). (Entered: 8/23/2018) 08/23/2018 Notification of Docket Correction re: 174 Transmission of Joint and Consolidated Amended Notice of Appeal and Docket Sheet to USCA, 175 CORRECTED USCA Appeal Transmission, 170 Joint and Consolidated Amended Notice of Appeal, 176 Documents forwarded to USCA, 173 USCA Appeal Transmission. (kac) (Entered: 08/23/2018)

08/23/2018 Forwarded docket sheets to USCA re: 170 Joint and Consolidated Amended Notice of Appeal filed by Terri V. Tucker, William James, 174 Transmission of Joint and Amended Consolidated Notice of Appeal and Docket Sheet to USCA, 175 CORRECTED USCA Appeal Transmission, 176 Documents forwarded to USCA, 173 USCA Appeal Transmission. Case Appealed to USCA - 11th Circuit. USCA Case Number 00-00000-00. (kac) (Entered: 08/23/2018)

08/23/2018 177 RESPONSE in Opposition to Plaintiffs' requests 171 & 172 filed by Harpo, Barbara Hunt, Lionsgate Entertainment, Oprah

Winfrey Network, Tyler Perry, Tyler Perry Company, Tyler Perry Studios, Oprah Winfrey. (Gordon, Richard) Modified on 8/27/2018 (jkl). (Entered: 08/23/2018)

08/27/2018 Notification of Docket Correction regarding 171 Plaintiffs' Request Permission to File an Objection and Opposition to 168 Order and 169 Clerk's Judgment, 172 Plaintiffs' Request Permission to File Motion to Reconsideration of 168 Order and 169 Clerk's Judgment and 177 Response in Opposition to Entries 171/172 - modified to correct docket text. (jkl) (Entered: 08/27/2018)

08/27/2018 178 USCA Acknowledgment of 170 Joint and Consolidated Notice of Appeal filed by Terri V. Tucker, William James. Case Appealed to USCA - 11th Circuit. USCA Case Number 18-13553-F. (kac) (Entered: 08/27/2018)
08/31/2018 179 Plaintiffs Request Permission to File Fee Waiver for the Requested Consolidated APPEAL NO. 17-14866

APPENDIX F

**Case 1:17-cv-01181-TWT Document 154
Filed 11/20/17 Page 1 of 3**

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al.,
Plaintiffs,
v.

CIVIL ACTION FILE NO.

1:17-CV-1181-TWT

BARBARA HUNT, et al.,
Defendants.

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiff's Motion for Reconsideration [Doc. 142]. Rule 59(e) of the Federal Rules of Civil Procedure authorizes district courts upon motion to alter or amend a judgment. See Fed. R. Civ. Proc. 59(e). "The decision to alter or amend judgment is committed to the sound discretion of the district judge and will not be overturned on appeal absent an abuse of discretion."

American Home Assurance Co. v. Glenn Estess & Assocs., 763 F.2d 1237, 1238-39 (11th Cir. 1985) (citing Commodity Futures Trading Comm'n v. American Commodity Group Corp., 753 F.2d 862, 866 (11th Cir. 1984)). The Federal Rules of Civil Procedure do not specifically authorize motions for reconsideration. Nevertheless, such motions are common in practice.

**Case 1:17-cv-01181-TWT Document 154
Filed 11/20/17 Page 2 of 3**

Local Rule 7.2 provides that motions for reconsideration are not to be filed "as a matter of routine practice," but only when "absolutely necessary." L.R. 7.2E. A party may move for reconsideration only when one of the following has occurred: "an intervening change in

controlling law, the availability of new evidence, [or] the need to correct clear error or prevent manifest injustice.”

Godby v. Electrolux Corp., No. 1:93-CV-0353-ODE, 1994 WL 470220, at *1 (N.D. Ga. May 25, 1994). Further, party “may not employ a motion for reconsideration as a vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind.” Brogdon v. National Healthcare Corp., 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000);

see also Godby, 1994 WL 470220, at *1 (“A motion for reconsideration should not be used to reiterate arguments that have previously been made ... [It is an improper use of] the motion to reconsider to ask the Court to rethink what the Court [has] already thought through-rightly or wrongly.”) (quoting Above the Belt, Inc. v. Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va.1983)) (alterations in original); In re Hollowell, 242 B.R. 541, 542-43 (Bankr. N.D. Ga. 1999) (“Motions for reconsideration should not be used to relitigate issues already decided or as a substitute for appeal ... Such motions also should not be used to raise arguments which were or could have been raised before judgment was issued.”). The Motion for

Case 1:17-cv-01181-TWT Document 154
Filed 11/20/17 Page 3 of 3
Reconsideration [Doc. 142] makes many false and outrageous claims and is DENIED.

The Petition for Writ of Mandamus [Doc. 141] is DENIED. This Court has no jurisdiction to issue a mandamus to the Court of Appeals. The Joint Application to Appeal [Doc. 143] is GRANTED to the extent that the Plaintiffs may appeal as of right and otherwise is DENIED. The Plaintiffs having filed a Notice of Appeal, this Court no longer has jurisdiction. The Clerk is directed to file any papers received from the Plaintiffs but should not docket any papers as motions requiring action by the Court until so ordered by the Court.

SO ORDERED,

this 20 day of November, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX F

**Case 1:17-cv-01181-TWT Document 124
Filed 10/19/17 Page 1 of 1**

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF GEORGIA ATLANTA DIVISION**

WILLIAM JAMES SUI JURIS, et al.,
Plaintiffs,

v.

CIVIL ACTION FILE NO.
1:17-CV-1181-TWT

BARBARA HUNT, et al.,
Defendants.

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion to Compel Defendants to Answer Discovery [Doc. 92] which is DENIED.

The Court has stayed discovery until a ruling on the Defendants' Motion for Judgment on the Pleadings.

SO ORDERED,

this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX F

Case 1:17-cv-01181-TWT Document 15
Filed 04/17/17 Page 1 of 3

**IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
OF GEORGIA ATLANTA DIVISION**

WILLIAM JAMES and
TERRI V. TUCKER,
Plaintiffs,

v.
CIVIL ACTION NO.
1: 17-CV-1181-RWS

BARBARA HUNT, et al.,
Defendants.

ORDER

132a

This matter is before the Court on Plaintiffs' Motion for Temporary Restraining Order [Doc. No. 3] and Emergency Motion for Permanent Injunction [Doc. No. 11].

To obtain a preliminary injunction, the moving party must demonstrate: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) the threatened injury to the movant outweighs the damage to the opposing party; and (4) granting the injunction would not be adverse to the public interest. *Four Seasons Hotels & Resorts v. Consorcio Barr*, 320 F.3d 1205, 1210 (11th Cir. 2003). "The preliminary injunction is an extraordinary and drastic remedy not to be granted

**Case 1:17-cv-01181-TWT Document 15
Filed 04/17/17 Page 2 of 3**

unless the movant 'clearly carries the burden of persuasion' as to the four prerequisites." *United States v. Jefferson Cnty.*, 720 F.2d 1511, 1518 (11th Cir. 1983) (quoting *Canal Auth. v. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974)).

The Court finds that Plaintiffs have not met their burden of showing an irreparable injury. Plaintiffs' claims are civil RICO claims with predicate acts related to copyright infringement and counterfeit goods. The damages which would be awarded if these claims are successful would be monetary damages. Plaintiffs have not shown the Court an injury that could not be addressed with a monetary

damages award or with a permanent injunction at the end of this litigation. As such, their Motion for Temporary Restraining Order [Doc. No. 3] and Emergency Motion for Permanent Injunction [Doc. No. 11] are DENIED.

Finally, the Court notes that Plaintiffs have filed Returns of Service for some of the defendants [Doc. Nos. 8, 9, and 13]. Plaintiffs have not properly served Defendants Oprah Winfrey Network or Lionsgate Entertainment, even though the Returns of Service have been returned as executed for those Defendants. Plaintiffs should review Federal Rule of Civil Procedure 4, which governs the allowed methods for service in federal court. Plaintiffs are reminded that they must properly serve Defendants within ninety days pursuant to Rule

**Case 1:17-cv-01181-TWT Document 15
Filed 04/17/17 Page 3 of 3**

4(m). The Court is aware of Plaintiffs' prose status, but even prose litigants are required to obey the Federal Rules of Civil Procedure, the Local Rules for the Northern District of Georgia, and the Standing Order for Civil Litigation in front of this Court.

SO ORDERED, this 17th Day of April,

RICHARD W. STORY
RICHARD W. STORY
United States Judge.

APPENDIX F

**Case 1:17-cv-01181-RWS Document 1
Filed 04/03/17 Page 1 of 53**

**UNITED STATES GOVERNMENT COURT
NORTHERN DISTRICT OF GEORGIA**

1 William James, Sui Juris
9100 South Drexel Ave
Chicago Illinois 60619 :
2 Terri V. Tucker AKA
(Donald-Strickland), Sui Juris
1136 Joslin Path
Douglasville, GA 30134
Plaintiffs,

CASE NO:
1:17-CV-01181-TWT

vs

VERIFIED AMENDED

1 Barbara Hunt
2 Harpo
3 Lionsgate Entertainment
4 Oprah Winfrey Network
(OWN)
5 Oprah Winfrey
6 Tyler Perry Company
7 Tyler Perry Studios (TPS)
8 Tyler Perry aka Emmett
Perry Jr. aka Emmett J.
Perry aka Emmett M. Perry
Aka Emmbre R. Perry aka
Emmitt R. Perry aka Emmett
T. Perry aka Willie M. Perry
aka Emmett Ty Perry aka
Emmett Perry aka Tyler E

Perry aka Emmbre R Perry
Aka Emmitt Perry, Jr. aka
Buddy aka John Ivory
9 Judge Thomas W. Thrash, Jr.
COMPLAINT FOR
DECLATORY AND INJUNCTIVE RELIEF
AND DAMAGES FROM
RACKETEERING, CONSPIRACY TO
ENGAGE IN A PATTERN OF
RACKETEERING ACTIVITY
AND RELATED CLAIMS;
JURY DEMANDED
CIVIL RICO
18 U.S.C. 1951 through 1980
DIVERSITY
28 U.S. Code § 1369
SHERMAN ANTI-TRUST
CLAYTON ANTI-TRUST
U.S. CONSTITUTION

Defendants_____

**CIVIL LAWSUIT: RACKETEERING
INFLUENCED AND ORGANIZATIONS
ACT (RICO), SHERMAN ACT, CLAYTON
ACT**

Case 1:17-cv-01181-RWS Document 1

Filed 04/03/17 Page 5 of 53

A. INTRODUCTION

1. This is a complex civil action for Racketeering Influenced and Organizations Act (RICO) remedies authorized by the federal statutes at 18 U.S.C. 1961 1(a) and 1(b) et seq.; for declaratory and injunctive relief; for actual, exemplary (punitive) damages; and for all other

relief which this honorable District Court deems just and proper under all circumstances which have occasioned this Initial COMPLAINT. See, 18 U.S.C. §§ 1964(a) and (c) ("Civil RICO"). The primary cause of this action is that the Defendants conspired in a widespread criminal enterprise operating as a cartel under legal businesses engaging in patterns of racketeering activities and organized crime across State and international lines; conspiring to engage in racketeering activity involving numerous RICO predicate acts during the past ten (10) calendar years or more.

2. The predicate acts cluster around criminal copyright plagiarism, trafficking counterfeit goods, tampering with and retaliation against qualified attorneys, obstructing justice. See, 18 U.S.C. §§, 1341, 1344, 1510, 1511, 1512, 1513 and 1581-1588, 2315, 2319, 2320 1503, Counterfeits, Plagiarism and Forgery. See 18 U.S.C. §§1951-1980 as it pertains to RICO, respectively.

**Case 1:17-cv-01181-RWS Document 1 Filed
04/03/17 Page 6 of 53**

[RICO] bring to bear the pressure of Private Attorneys General." The objective in both the Clayton Act and RICO is the carrot of treble damages. See, Agency Holding Corp. v. Malley-Duff & Associates, Supreme Court Reporter 2759. See also 483 U.S. 143 at page 151 (1987). "private attorneys general," (See Exhibit B, pp.2) dedicated to eliminating racketeering activity. 1.. Id, at 187 (citing Malley-Duff, 483 U.S at 151)

(civil RICO) The provision for treble damages. See, *Rotella v. Wood et al.*, 528 U.S. 549 (2000). *Dasher v. Housing Authority of City of Atlanta, Ga., D.C.Ga.*, 64 F.R.D. 720, 722. See also, Equal Access to Justice Act.

B. JURISDICTION AND VENUE

3. The Federal District Court has Jurisdiction Pursuant to the Civil RICO remedies at 18 U.S.C 1964 and the holdings of the U.S. Supreme Court in the case of, *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479 (1985) and the U.S. Court of Appeals for the Ninth Circuit in *Lou v. Belzberg*, 834 F.2d 730, hn. 4 (9th Cir. 1987), Plaintiffs invoke and charge Defendant's with this law for counterfeits over years of conspiracy and racketeering.

4. Jurisdiction is based upon federal question, to wit, the Copyright Act of 1976 and 1909 as amended. Title 17 506(a); 1201; 1202; and 1203, United States Code; Title 18 U.S. Code § 2319, the Defendants conspired in Criminal Plagiarism to commit copyright counterfeits of Plaintiff

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 7 of 53

Intellectual Properties "Lover's Kill" hereinafter "LK" and "Bad Apples Can Be Good Fruit" hereinafter "BAGF" as; Model Penal Code §§ 220.1 .3 (1962). (See, Exhibit C, pp. 3)

6. The Sherman Antitrust Act, 15 U.S.C. §§ 1-7 is a landmark federal statute in the history of the United States antitrust law or ("competition

law") passed by Congress in 1890. United States v. Paramount Pictures, Inc., 334 US 131 (1948) (See, Exhibit D, pp.5) (The Defendants executed a violation of the Hollywood Antitrust Case of 1948. The Defendants conspired to monopolize the television and film industry; by owning the Studios and television network, counterfeiting the writings of enslaved copyright owners throughout the country, starring in counterfeited works as their own and entering into exclusive deals with one another. Monopoly

Section 2 of the Act forbade monopoly. Clayton Antitrust Act Clayton Act, 15 U.S.C. §§ 12-27, 29 U.S.C. §§ 52-53. 7. The U.S. Constitution -1ST Amendment, Title 42, Part VII, Ch. 83 and Sub-Chapter A, using name or likeness (1) Invasion of Privacy of name and likeness (2) Violation of the Right of Publicity; Plaintiff's works were based on life experiences. Article 1, Section 8, (8) Defendant's intentionally violated the Plaintiff's exclusive copyrights by committing plagiarism to their respective writings and discoveries, Defendants acted in

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 8 of 53

concert of a conspiracy which violated the creative control of how the Plaintiff's works were articulated without an agreement.

8. Federal Conspiracy Law, two elements: (1) an exclusive agreement was signed between Tyler Perry aka Emmett Perry, Jr. (and all other known and unknown aliases); Oprah Winfrey in 2013; all Defendants inclusive (2) between two

Executive Owners and Chief Principal decision makers. Laundering drug money into a legal business enterprise, remove trade secrets, repeatedly from 1999 through 2017. Settlement agreements and court admissions serve as admissible evidence against all. The Hobbs Act Civil Conspiracy 18 U.S.C. 371, The Defendants conspired to counterfeit, extort, plagiarize, threaten, cause defamation of character, retaliate, bully, forge, financially distress using Plaintiffs intellectual property gains. United States v. Franks, 511 F.2d 25,31 (6th Cir. 1975) 9. (WIPO), Copyright Treaty (WCT) (1996). The WIPO Copyright Treaty (WCT) is a special agreement under the Berne Convention the Distributer and known conspirator Lionsgate which committed RICO Act, mail fraud when moving digital counterfeit copies of the Forgery and plagiarized intellectual properties which were protected pursuant to the Title 17 U.S. Code 506(a) 18 U.S. Code 2319 and all other Criminal Copyright. 10. Venue 28 U.S. Code § 1391, Defendants are based in Atlanta,

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 10 of 53

Cause of Action

19. (1) that the defendants, Tyler Perry, Tyler Perry Studios, Oprah Winfrey, Oprah Winfrey Networks (OWN) received money from a pattern of racketeering activity such as; violations of properties protected under the copyright act, drug money, bribery, threats financial and physical, counterfeit and forgeries

of intellectual property (2) invested that money in an enterprise of Tyler Perry Studios and Oprah Winfrey Network, (3) the enterprise affected interstate commerce, and (4) an injury resulting from the investment of racketeering income distinct from an injury caused by the predicate acts themselves. *Johnson v. GEICO Cas. Co.*, 516 F. Supp. 2d 351 (D. Del. 2007)

THE FACTS

20. PLAINTIFF, William James a citizen of the United States, authored a screenplay entitled "Lover's Kill" (hereinafter referred to as "LK").

21. PLAINTIFF, Terri Tucker aka (Donald-Strickland) a citizen of the United States, authored a book entitled "Bad Apples Can Be Good Fruit." (BAGF) book. (hereinafter referred to as "BAGF").

22 Plaintiffs discovered their original works plagiarized, counterfeited on a

Case 1:17-cv-01181-RWS Document 1

Filed 04/03/17 Page 11 of 53

large scale of racketeering in approximately Early-March 2017. 23. During the investigation and research by Plaintiffs acting as "Private Attorney Generals, it was newly discovered that this was a large-scale conspiracy on multiple Plaintiffs.

24. PLAINTIFF'S Plaintiff Terri Tucker contacted Plaintiff William James in February and compared the acts of plagiarism committed on each other's works and discovered the pattern of-law proceedings and violations of law, cover-

ups, briberies it was learned and investigated by the Plaintiffs that there was a pattern to the Intellectual Property plagiarisms; counterfeits and forgeries of their copyrighted works. 25. It was discovered by the Plaintiffs that a man named Melvin Childs who wrote in a book that Tyler Perry's first play tours was funded by drug dealers to fund the play that went on tour. This illegal operation laundered the drug money using the play and tour to put up a legal-production studio in which served as a front for counterfeiting, forging and plagiarizing copyrighted works of hard-working authors which resulted in the slavery of the copyright owners. 26. Tyler Perry publicly states he was beat by a man who was not his father, whereas as he changed his legal name at the age of 16 from Emmett Perry, Jr. to Tyler Perry Jr. We discovered he is still using several aliases of his birth name. 27. Oprah Winfrey discussed openly that she was abused sexually and

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 12 of 53

physically and this is another basis in which formed the relationship of the conspiracy between Tyler Perry and Oprah Winfrey to engage in racketeering of intellectual copyrighted properties to grow their legal business brand using slavery and counterfeit, manufacturing of forged goods using the studios as the manufacturing laboratories and Lionsgate as the distributors. Tyler Perry and Oprah Winfrey (OWN) conspired an exclusive agreement OWN,

a private company working with a Public company Tyler Perry Studios worked together in an effort and succeeded to monopolize the television and film industry while plagiarizing peoples copyrighted protected intellectual property. Violating the Sherman Anti-Trust Act, U.S. Copyright Act, engaging in RICO Activities, see below: (See, Exhibit E, p.1)

a. Case #2:99-cv-04592-MK Melvin Childs v Primus et al and Cartel member Tyler Perry, filed September 13, 1999, Jurisdiction was diversity; however, Plaintiff failed to state a claim and case was dismissed without prejudice, Plaintiff provided a certificate in support of an Ex Parte Restraining Order. This shows Threats and retaliation by Tyler Perry.

b. Case# 2:02-cv-00175-JLG-MRA filed on February 26, 2002, Giant Eagle Inc. v Genesis Insurance Co, et. EI, Tyler Perry was a Defendant. Diversity Case, in favor of Plaintiff on October 16,2003.

Initial COMPLAINT for CMI RICO Remedies

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 13 of 53

c. Case# 1 :06-cv-00640-GET filed in Atlanta, GA filed on March 20, 2006 by Rolleston et al v Tyler Perry inflicted fear on a Diversity Torts-to Land case. A Temporary Restraining Order was requested on May 01, 2006 threats escalated and on May 09, 2006 an EMERGENCY Motion for Permanent Injunction, Emergency Motion for Temporary Restraining Order by Rolleston and

on May 12, 2006 a Motion for Recusal, Motion for Temporary Restraining Order Motion for Permanent Injunction and Emergency Motion for Permanent Injunction Emergency Motion for Temporary Restraining Order Submitted to District Judge G. Ernest Tidwell. Defendant TP. c. Case#2:07-cv-00200-LED-JDL was filed on May, 21 2007 Donna West v. Perry, West stated Tyler Perry watched her play "Fantasy of a Black Woman" because he created a counterfeit and forged copy of the play under the title "Diary of a Mad Black Woman" which became a plagiarized film. There was a trial. (Texas) however the Plaintiff could not place Defendant in Texas and we have newly discovered evidence, Defendant Emmett "Buddy" Perry, Jr. was in Texas at the time Plaintiff West was performing her play. d. January 2008 - Plaintiff Terri Tucker sent both Tyler Perry and Initial COMPLAINT for CMI RICO Remedies

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 14 of 53

Oprah Winfrey her book to use for a Movie. The company Tyler Perry Studios stated he requested an additional copy September 2008.

William James stated June-2011 he provided his screenplay to Oprah Winfrey's Senior Accountant Barbara Hunt who wanted the other 2 copyrighted intellectual works. Lisa Daniels stated she provided Oprah Winfrey with her screenplay which became a television show for Tyler Perry. This conspiracy shows a pattern of trafficking intellectual property over the past 10

years amongst Defendants in concert. Lionsgate is the trafficker, international pirated and illegal intellectual goods distributor nationally and worldwide.

e. Case # 2:09-cv-08712-JFW-VBK filed on November 25, 2009 "Madea Goes to Jail sued by the estate of Bertha V. James v The Tyler Perry Company; Tyler Perry crime syndicate cartel member and Lionsgate Entertainment Corp trafficker distributor of counterfeit and manufacturer of forged goods.; Lions Gate Films, Inc. copyright plagiarism (California). Ended settlement agreement. (Admission to Guilt)

f. Case#2:10-cv-00784-GW-RZ Filed on February 03, 2010 Johnny Tyrone Stringfield v Tyler Perry et el copyright plaigerism of a Television show "Meet the Browns. (California) Counterfeited and Initial COMPLAINT for Civil RICO Remedies

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 15 of 53

plagiarized a song for Tyler Perry Studios. On October 16, 2010 Settlement was reached. (Admission to Guilt) g. Case# 2:11-cv-10099-UA-DUTY filed on December 06,2011 Shamont Lyle Sapp v. Jamie Foxx and Tyler Perry; 1Yler Perry Studios front for eliciting plagiarized intellectual property protected by copyrights registrations and Fox Broadcasting Network from an inmate. Case was Voluntarily Dismissed copyright plagiarism on May 10,2012. (Settlement Admission to guilt or threatened to drop case)

h. Case# Whitehead v White & Case #5: 12-cv-00399-RTH-MLH filed on February 10, 2012,

L.L.P, et el \$75,000,000.00. The Defendants were a multitude of people to include, Tyler Perry, the distributor of counterfeit goods Lionsgate and the Head Ring Leader Oprah Winfrey who orchestrates the illegal activity. 440 Civil Rights SCCA 14-31224 and SCCA, 15-30348.

i. Case # 3: 12-cv-00559-HES-MCR filed on May 09,2012 Maressa M. Holt, Plaintiff, v. Tyler Perry a/k/a John Ivory (Alias),.(United States District Court, M.D. Florida, Jacksonville Division). June 14,2012. (copyright plagiarism) (Florida). The writer states her short stories and plays were plagiarized by Tyler Perry operating under a false name John Ivory.

Initial COMPLAINT for CMI RICO Remedies

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 16 of 53

i. Case#2:12-cv-06629-HB filed on November 27, 2012- Terri Donald v Tyler Perry Studios and Lionsgate in (PA,) crime syndicates this case was out of compliance and defaulted pursuant to FR 12 & 55 answer was due by December 28,2012 before the transfer from PA to New York on March 8, 2013. Attorney Simon Rosen served Tyler Perry and Lionsgate the same day the case was filed on November 27,2012. The record is devoid of written request for extensions; request for transfer pursuant to 28 USC 1404(a) and any appearance by known attorney Tom J. Ferber. Oprah Winfrey initially received this book for the book club in 2008, Defendants signed an exclusive deal when case was dismissed 2013. Extortion and intimidation retaliation and

threats were made to Plaintiffs' attorney Simon Rosen. Enforcing Plaintiff in to slavery for working on the multi-million-dollar plagiarized works. This RICO act violation also violates the Sherman Anti-trust Act since the companies refuse to allow writers to represent their own works and place the counterfeited works under registrations obtained from the copyright's offices in their names. Violating the competition Sherman Anti-Trust Act not allowing others to represent themselves and their own works, the conspiracy to defraud the government and laundering illegal funds gained to front legal businesses. (Audio Records Avail.)

Initial COMPLAINT for CMI RICO Remedies

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 25 of 53

COUNT THREE: INJUNCTIVE RELIEF (AGAINST THE DEFENDANTS)

6. Paragraphs 1 through 32 inclusive, are incorporated by reference as though fully set forth herein and made part hereof.

7. PLAINTIFF'S Invoke Sherman Anti-Trust Act, the Hobbs Act, the U.S. Constitution, The Copyrights Act, The Constitution of Georgia, The

Case 1:17-cv-01181-RWS Document 1 Filed 04/03/17 Page 26 of 53

Federal Conspiracy Law and Defendants improper unlawful and repeated actions has caused, and, continues to cause irreparable

damage to PLAINTIFFS Character, Film Career, Image, Name, Reputation, Ability to earn future revenues in this industry, emotional and mental distresses, physical distress, relationship distress, undue hardships in work and at home, time and attention from family and friends to divert to investigating and litigating for intellectual property counterfeited and plagiarized.

APPENDIX F

**Case 1:17-cv-01181-TWT Document 177
Filed 08/23/18 Page 1 of 11**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

-----X
WILLIAM JAMES, ET ANO.,) Plaintiffs,))
v.) Case No. 1:17-CV-01181-TWT))
BARBARA HUNT, ET AL.,)) Defendants.
) -----X

DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO AMEND NOTICE
OF APPEAL AND FILE SUPPLEMENTAL
BRIEFS (DKT. NO. 170), PLAINTIFFS'
MOTION FOR PERMISSION TO FILE
OBJECTION AND OPPOSITION TO COURT
ORDERS (DKT. NO. 171), AND PLAINTIFFS'
MOTION FOR PERMISSION TO FILE
MOTION FOR RECONSIDERATION (DKT.
NO. 172)

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Case

Case 1:17-cv-01181-TWT Document 177

Filed 08/23/18 Page 2 of 11

PRELIMINARY STATEMENT

Defendants¹ file this opposition to the three latest filings by plaintiffs Terri V. Tucker (“Tucker”) and William James (“James,” and collectively, “Plaintiffs”), all filed on August 20, 2018 (hereafter referred to as “Motion #170,” “Motion #171,” and “Motion #172,” and collectively as the “Motions”).² As set forth below, the Motions are largely incomprehensible, in violation of the Court’s recently-issued injunction, likely outside the Court’s jurisdiction, and should be stricken and/or denied.

ARGUMENT

Background – The Court Issues an All Writs Act Injunction In an order filed August 10, 2018 (Dkt.

No. 168; hereafter "Order #168"), the Court granted Defendants' motion for summary judgment on their counterclaim for an All Writs Act injunction.

APPENDIX F

Case: 18-13553 Date Filed: 01/17/2019

Page: 5 of 11

APPELLEANTS WILLIAM JAMES AND TERRI TUCKER JOINT PERMISSION TO FILE SUPPLEMENTAL EXHIBITS TO FURTHER SUPPORT THE RECORD IN A MATTER OF EXCEPTIONAL IMPORTANCE THAT MAY HAVE DEFERENCE OF THE OUTCOME I OF THE CASE WITH AFFIDAVITS AND DECLARATION TO PROVIDE INFORMATION AS IT RELATES TO THE DISTRICT COURT JUDGE AND THE APPELLEES ON A CONFLICT OF INTEREST TO FURTHER SUPPORT THE CLAIM THAT THE JUDGE SHOULD HAVE RECUSED HIMSELF PUSUANT TO 28 U.S. 133, 455 I William James and Terri Tucker Generals" JOINTLY DECLARES AS FOLLOWS:

The two are Appellants/ Plaintiffs/Counter Defendants and are "Pro Se Litigants" and Private Attorney Seeking Leave of the Eleventh Circuit Court (11th. Cir.) to provide information in support of the District Judge and the Appellees involved in a conflict of interest that further supports why the Judge violated the Jurisdiction and abused his discretion:

1) Annexed hereto as -Internet Record Showing Judge Thomas W. Thrash Jr. of Cobb County's daughter Maggie Thrash having Tyler Perry Direct and Produce, Exhibit 1.

2) Annexed hereto as - Annie Thrash of Cobb County being cast into Tyler Perry television show for TLC Network "Too Close to Home" in 2016-2017, Exhibit 2.

3) Annexed hereto as - Appellee Judge Thrash and Family Maggie Thras1 in a photo in an Article, Exhibit 3
a. An Affidavit

Case: 18-13553 Date Filed: 01/17/2019 Page: 6 of 11

Date: January 17,2019

I

William James
PRIVATE ATTORNEY GENERAL
3058 Fresno Lane
Homewood, Illinois 60430
Email: BJ255758@yahoo.com
Phone: 773-990-9373
Terri Tucker (aka)

6

Donald-Strickland I
PRIVATE ATTORNEY GENERAL
1136 Joslin Path
Douglasville, GA 30134
Email: terrilowe43@gmail.com I
Phone: 678-822-4593
a. An Affidavit

Case: 18-13553 Date Filed: 01/17/2019 Page: 1
of 10

Annexed hereto as -Internet Record
Showing Judge Thomas W. Thrash Jr. of
Cobb

County's daughter Maggie Thrash having
Tyler Perry Direct and Produce
Exhibit 1

Case: 18-13553 Date Filed: 01/17/2019 Page:
2 of 10

1/16/2019

Google

Maggie Thrash and Tyler Perry - Google Search
Maggie Thrash and Tyler Perry

All - News - Images - *Videos* - Shopping - More
Settings - Tools

About 181 ,000 results (0.55 seconds)

Maggie Thrash I *Revolvy*

<https://www.revolvy.com/page/Maggie-Thrash>

Maggie Thrash IS an American young adult
fiction writer and memoirist, best soap opera
created, executive produced, written, and
directed by Tyler Perry

You've visited this page 4 times. Last visit

1/14/19

People also ask

Is the haves and the *have* nots Cancelled?

What city is the haves and *have* nots filmed in?

Who are the new cast members of the haves and
have nots?

Who plays Katherine on the haves and *have*
nots?

Feedback

EXHIBIT I, P. 1 OF 2

152a

https://www.google.com/search?rlz=1C1CHZL_e
nUS752US752&ei=I_XKeKN8m7tgXU2bTwCw
&q=Maggie+Thrash+and+Tyler+Perry&oq=Ma
ggie+ ½

**Case: 18-13553 Date Filed: 01/17/2019 Page:
4 of 10**

**Annexed hereto as - Annie Thrash of Cobb
County being cast into Tyler
Perry television show for TLC Network
"Too Close to Home" in 2016-2017
Exhibit 2**

**Case: 18-13553 Date Filed: 01/17/2019 Page:
5 of 10**

1/16/2019

Annie Thrash and Tyler Perry

All Images News Shopping Videos More

Settings Tools

About 3,170,000 results (0.44 seconds)

Too Close to Home (TV series) - Wikipedia

[https://en.wikipedia.org/wiki/Too-Close to Home
TV series\)](https://en.wikipedia.org/wiki/Too-Close_to_Home_TV_series)

Too Close to Home IS an American television
drama series, created, executive produced,
written and directed by Tyler Perry that debuted
on TLC on August 22,2016 Danielle Savre as
Annie Belle Anna Hayes A woman who works In
the Annie Thrash as Rebel Anna S 15-year-old
daughter that she left

behind to

No. of seasons 2 Original network TLC

No. of episodes 16 (list of episodes) Original
release **August 22 2016 – February**

153a

Case: 18-13553 Date Filed: 01/17/2019 Page: 5 of 10

Images for Annie Thrash and Tyler Perry

-7 More Images for Annie Thrash and Tyler Perry
Report images

Tyler Perry's Too Close To Home Returns
January 4, 2017 | TLCme ...

www.tlc.com/tlcme/tyler-perrys-too-close-to-home-returns-to-tlc-on-jan-4-2017

Nov 17, 2016 - Tyler Perry's Too Close to Home returns to TLC on Jan 4, 2017 (Mabley, Curran Walters (Mack), Annie Thrash (Rebel), Justina Gabriel (Rick),

About The Show - Too Close to Home | TLC

<https://www.tlc.com/tv-shows/too-close-to-home/about>

Tyler Perry's Too Close To Home' was TLC's first ever scripted series. Meanwhile, Rebel (Annie Thrash) IS getting into dangerously hot water when an all-time Annie Thrash - IMDb

<https://www.imdb.com/name/nm8191557/> ..

Annie Thrash IS an actress, known for Too Close to Home (2016), Mine 9 (2019) and Too Close to Home Season Two Renewal for Tyler Perry TLC Drama Tyler Perry's Too Close to Home': oh no they didn't

<https://ohnotheydidnt.livejournal.com/1102949535.html>. Daniel Le Savre, Brock O'Hurn, Kelly Sullivan, Brad Benedict, Brooke Anne Smith, Alpha Tettey, Tisha Rae Stahl, Robert Craighead, Annie Thrash, Curran

'Too Close to Home' Tyler Perry TLC Drama Series Gets Premiere <https://deadline.com/too-close-to-home-tyler-perry-tlc-drama-series-gets-premiere/>

close-to-home-tyler-perry-tlc-drama-series-
premiere-date- Jul 21, 2016 - Tyler Perry To Host
Aretha Franklin Tribute Special for CBS
Tnvette, Tarsha Rae Stahl Robert Craighead,
Annie Thrash, and Curran Walters
Tyler Perry's Too Close to Home' Season 2 Gets
Midseason Premiere _
<https://deadline.com/tyler-perry-too-close-to-home-season-2-debut-january-4-tl-c-1>. Nov 16,
2016 - Tyler Perry To Host Aretha Franklin
Tribute Special for CBS Curran Walters (Mack),
Annie Thrash (Rebel), Justin Gahrrel (Rick),
Nick Ballard Los Angeles, CA, USA. 16th Aug,
2016. Annie Thrash at arrivals for _
<https://www.alamy.com/stock-photo-los-angeles-ca-usa-16th-aug-2016-annie-thrash-a>.
EXHIBIT 2, P. 1 OF 2

APPENDIX F

**Case 1:17-cv-01181-RWS Document 31
Filed 05/11/17 Page 1 of 4**

**IN THE UNITED STATES DISTRICT
COURT NORTHERN DISTRICT OF
GEORGIA**

WILLIAM JAMES,) and TERRI V. TUCKER
AKA) (Donald Strickland,)) Plaintiffs)) 1:17-
CV-1181-RWS vs.)) BARBARA HUNT,)
HARPO,) LIONSGATE ENTERTAINMENT,)
OPRAH WINFREY NETWORK (OWN),)
OPRAH WINFREY, and) TYLER PERRY
COMPANY,) TYLER PERRY STUDIOS (TPS))
and TYLER PERRY,)) Defendants.)
DEFENDANTS, THE TYLER PERRY

COMPANY, INC., TYLER PERRY STUDIOS,
LLC AND TYLER PERRY'S MOTION FOR
REASSIGNMENT OF CASE BASED ON
PLAINTIFF'S FAILURE TO DISCLOSE PRIOR
RELATED CASES

Defendants, The Tyler Perry Company, Inc., Tyler Perry Studios, LLC, and Tyler Perry hereby make and file their Motion for Reassignment of Case Based on Plaintiffs' Failure to Disclose Prior Related Cases, as follows: 1. Plaintiff, Terri V. Tucker, formerly known as Terry V. Strickland, formerly known as Terri V. Donald has brought the within action for recovery of civil RICO damages, alleging predicate acts of copyright infringement and counterfeit goods. (See Doc. 1 and Doc. 15.)

**Case 1:17-cv-01181-RWS Document 31
Filed 05/11/17 Page 2 of 4**

2. Plaintiff, Terri V. Tucker has brought at least two prior civil actions based on allegations of the same facts as claimed in the within civil action: Terri V. Donald v. The Tyler Perry Company, Inc., Case No. 2:12-6629 (E. Dist. PA, Nov. 2012), transferred as: Terri V. Donald v. The Tyler Perry Company, Inc., Case No. 13CV-1655, (S. Dist. NY, Mar. 2013); and most recently, Terri V. Strickland v. Tyler Perry, Case No. 1:15CV-3400 (N. Dist. GA, Sep't. 2015, J/Thomas W. Thrash), dismissal affirmed, Case No. 16-11601, USCA - 11TH Circuit, April, 2017.) 3. In the filing of the within civil action, Plaintiffs failed to disclose in their Civil Cover Sheet, Section VIII, the related case of Strickland v. Tyler Perry, Case No.

1:15CV-3400 of this Court, Judge Thomas W. Thrash presiding, dismissal affirmed Case No. 16-11601, USCA 11th Circuit. 4. A true copy of the Civil Cover Sheet as filed by Plaintiffs is attached hereto as "Exhibit-A". 5.

The within civil action is deemed related to the prior case, No. 1:15CV-3400 of this Court because the pending case involves: (a) the same issue of fact or arises out of the same event or transaction included in an earlier numbered suit; (b) the validity or infringement of the same patent, copyright, or trademark included in an earlier numbered suit; and (c) repetitive cases filed by pro se litigants.

Appendix F

Case 1:17-cv-01181-TWT Document 74-1

Filed 06/27/17 Page 8 of 33

Defendants respectfully submit this memorandum of law in support of their motion for judgment on the pleading pursuant to Federal Rule of Civil Procedure 12(c).

Preliminary Statement

Without regard for judicial resources or the previous judgements of this and other federal courts, plaintiffs are attempting to re-litigate previously dismissed copyright infringement, inexplicably alleging that their failed copyright claims support a Civil RICO claim. Plaintiffs now implausibly and frivolously assert defendants operated a criminal "cartel" engaged in acts of copyright infringement, which this court and two other courts summarily found not to exist. Not

only are plaintiffs' allegations absurd and legally insufficient, but they are also barred by the doctrines of res judicata and collateral estoppel – just as this court and the eleventh circuit held in connection with Plaintiff Tucker's previous attempt to relitigate her failed copyright claim. Plaintiffs' purported Civil RICO claim is also time barred. Plaintiff Tucker alleges the defendants infringe her copyrighted book "Bad Apples can be good fruit" ("BAGF") through the Tyler Perry Movie "Good Deeds", while plaintiff James alleges that Defendants infringed his copyrighted screenplay "Lovers Kill", through the Tyler Perry movie, "Temptation, Confessions of a Marriage Counselor" ("Temptations"). Plaintiffs acknowledge that their copyright infringement cases have been litigated previously (twice, in regard to Tucker's claim) and dismissed with prejudice. (Compl. 27(i), 27(j), (32(a), (32(b).) Yet Plaintiffs nevertheless bring these claims again, in total disregard of the prior judgments against them.

Plaintiffs filed their complaint in the instant action pro se on April 3, 2017, just four days after the United States Court of Appeals for the Eleventh Circuit denied Tucker's Petition for rehearing in her second attempt to litigate her copyright infringement claim.

**Case 1:17-cv-01181-TWT Document 89
Filed 07/10/17 Page 2 of 11**

Pursuant to Federal Rule of Civil Procedure 26(c)(1) and Northern District of Georgia Local Rule 26.2(B), Defendants Lions Gate

Entertainment, Harpo, Inc., Oprah Winfrey Network, Oprah Winfrey, the Tyler Perry Company, Tyler Perry Studios, and Tyler Perry (collectively, “Defendants”) hereby move the Court for relief in the form of a Protective Order, to stay discovery, and to modify the discovery period. PRELIMINARY STATEMENT Through the filing of the instant action, Plaintiffs have blatantly disregarded the previous judgments of this Court and other federal courts. Plaintiffs’ copyright infringement claims (now repackaged as a purported civil RICO claim) have previously been litigated and dismissed with prejudice (twice, for plaintiff Tucker’s claim). Plaintiffs have now sought to initiate discovery by filing a purported “Joint Preliminary Report and Discovery Plan”¹ and two “Notice[s] of Discovery Initiated by Plaintiffs.” (See Doc. Nos. 63, 65, 66.) On June 27, 2017, Defendants filed a dispositive motion under Federal Rule of Civil Procedure 12(c) (see Doc. No. 74) because Plaintiffs’ instant claims are barred by res judicata and/or collateral estoppel (as this Court so recently held).²

¹ This “Joint Plan” was filed solely by Plaintiffs, not Defendants. ² Strickland v. Perry, No. 1:15-CV-3400-TWT (N.D. Ga. Mar. 24 2016) (Thrash, J.), aff’d, Strickland v. Perry, No. 16-11601 (11th Cir. Jan. 19, 2017).

**Case 1:17-cv-01181-TWT Document 89
Filed 07/10/17 Page 5 of 11**

disclosure or discovery; (C) prescribing a discovery method other than the one selected by the party seeking discovery; (D) forbidding

inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters.” Fed. R. Civ. P. 26(c)(1). Similarly, Northern District of Georgia Local Rule 26.2(B) provides that “[t]he court may, in its discretion, shorten or lengthen the time for discovery.” LR 26.2(B), NDGA. As set forth in the Certification Pursuant to Federal Rule 26(c)(1), counsel for Defendants has conferred with the pro se Plaintiffs to resolve the issues presented by this Motion, but the parties were unable to agree on such a resolution. Because Defendants’ Rule 12(c) motion seeks dismissal as a matter of law, Plaintiffs have no need for discovery. Additionally, Plaintiffs would not be prejudiced if the Court stayed discovery, but if discovery were to move forward, Defendants would be prejudiced by being forced to spend more money on a frivolous and meritless case which was effectively brought in violation of this Court’s last order of dismissal. *Strickland*, No. 1:15-CV-3400-TWT (N.D. Ga. Mar. 24 2016) (Thrash, J.), *aff’d*, *Strickland v. Perry*, No. 16-11601 (11th Cir. Jan. 19, 2017). Wherefore, upon the foregoing facts and authorities, Defendants move the Court for entry of an Order that:

**Case 1:17-cv-01181-TWT Document 89
Filed 07/10/17 Page 6 of 11**

1. Protects Defendants from any duty to respond or object to Plaintiffs’ “Joint” Preliminary Report and Discovery Plan [Doc. No. 63] and Notices of Discovery Initiated by Plaintiffs [Doc. Nos. 65-66] until 30 days after entry of an Order upon Defendants’ motion for judgment on the

pleadings, in the event that the within civil action is not thereby disposed of; 2. Stays further discovery until 30 days after entry of an Order on Defendants' motion for judgment on the pleadings, in the event that the within civil action is not thereby disposed of; and 3. Modifies the four-month discovery track provided by Local Rule, to provide that discovery shall proceed for four months next following entry of an Order on Defendants' motion for judgment on the pleadings, in the event that the within civil action is not thereby disposed of. Respectfully submitted this 10th day of July 2017.

RICHARD A. GORDON, P.C.

By: /s/Richard A. Gordon

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