

RJN-1

No. _____

In the Supreme Court of the United States

BILLIE RENÉ FRANCES LILLIAN POWERS,

Petitioner,

v.

THE BANK OF NEW YORK MELLON, FKA Bank
of New York, as Trustee, on behalf of the holders of
the alternative Loan Trust 2007-HY9 Mortgage
Pass Through Certificates Series 2007-HY9, et al.,

Respondents

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PETITION
FOR WRIT OF CERTIORARI**

Petitioner, Billie Renée Frances Lillian Powers, by her attorney, Wendy Alison Nora, requests that this Court take judicial notice of Exhibits 1, 1-A, 1-B and 1-C, 2, 3, and 4 attached hereto pursuant to Fed. R. Evid. 201.

The documents for which judicial notice is requested are PDF documents created from or retrieved from the website for the Ninth Circuit Court of Appeals (the Circuit Court)¹ and the Circuit Court's docket at pacer.gov for No. 19-55013. Exhibit 1 was retrieved from the Circuit Court's

¹ See <https://www.ca9.uscourts.gov/> and the links described herein.

RJN-2

website and Exhibit 1-A is accessible from the link on Exhibit 1. Exhibit 1-A is the result of clicking on the link titled "Pro Se Litigants" which leads to Exhibits 1-B and 1-C.

Exhibits 1-B and 1-C attached hereto are the documents provided for use by pro se litigants for Appellant's Informal Opening Brief and Appellant's Reply Brief.

Exhibit 2 attached hereto is Petitioner's Informal Opening Brief which she filed in the Circuit Court and which is being provided for the sole purpose of demonstrating the end product of Petitioner's use of the form titled Appellant's Informal Opening Briefs provided by the Circuit Court for use by pro se appellants only.

Exhibit 3 attached hereto is one of Petitioner's three (3) Informal Reply Briefs which she filed in the Circuit Court and which is provided for the sole purpose of demonstrating the end product of her use of the form titled Appellant's Informal Reply Brief provided by the Circuit Court for use by pro se appellants only.

Exhibit 4 is the Docket Report for No. 19-55013 was retrieved from pacer.gov and created by converting the HTML version of the Docket Report into PDF format on December 15, 2020.

Petitioner acknowledges that this request for judicial notice is unusual. She is aware that requests for judicial notice in proceedings before this Court are disfavored (*Ross v. Blake*, 136 S. Ct. 1850, 1862, 195 L. Ed. 2d 117 (2016), concurrence of Justice Thomas²) but she respectfully submits that the documents set forth in Exhibits 1, 1-A, 1-B, and 1-C, in the format provided by the Circuit Court, are essential to an understanding of the grounds for her Petition for Writ of Certiorari. The visual effect of Exhibits 1, 1-A, 1-B, and 1-C cannot be maintained by converting the documents in compliance with the format requirements for the Appendix to the concurrently filed Petition.

Similarly, the form of Petitioner's Informal Briefs, submitted herewith as Request for Judicial Notice Exhibits 2 and 3, exemplifies Petitioner's use of the recommended forms of Informal Briefs, solely for the purpose of showing that Petitioner used the recommended forms provided to pro se litigants by

² Justice Thomas's concerns about gamesmanship and frustration of review by this Court are not present here, because the visual display of judicially noticeable documents is not available. This Court's Rule 32 provides "Models, diagrams, and **exhibits of material forming part of the evidence taken in a case** and brought to this Court for its inspection shall be placed in the custody of the Clerk at least two weeks before the case is to be heard or submitted." (Emphasis added.) The judicially noticeable exhibits are not part of the evidence taken in the case.

RJN-4

the Circuit Court and what she prepared, following the Circuit Court's instructions.

Exhibit 4 is the Circuit Court's Docket Report retrieved from pacer.gov and was created as stated above.

Fed. R. Evid. 201 provides, in relevant part:

Rule 201. Judicial Notice of Adjudicative Facts

(a) Scope. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) Kinds of Facts That May Be Judicially Noticed.

The court may judicially notice a fact that is not subject to reasonable dispute because it:

...

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) Taking Notice. The court:

...

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) Timing. The court may take judicial notice at any stage of the proceeding.

(e) Opportunity to Be Heard. On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard. . .

RJN-5

Judicial notice is requested of Exhibits 1, 1-A, 1-B, 1-C, 2, 3 and 4 because they are documents provided by the Circuit Court or are derived from documents which can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned:

Exhibit 1 is the Circuit Court's website converted from HTML to PDF version located at <https://www.ca9.uscourts.gov/> most recently retrieved on December 16, 2020.

Exhibit 1-A is the PDF version of the HTML document accessed from the link titled "Pro Se Litigants" which appears on the left side of the document accessed from the link titled "Pro Se Litigants" which appears on the left side of the Circuit Court's website at the above website which leads to https://www.ca9.uscourts.gov/forms/pro_se_litigants.php most recently retrieved on December 16, 2020.

Exhibit 1-B is the PDF document retrievable on the foregoing webpage by clicking on the link which reads:

- Appellant's Informal Opening Brief Form
Word version of Appellant's Informal Brief³
Pro se litigants: use this form to file an opening brief in your appeal.

Exhibit 1-C is the PDF document retrievable on the foregoing webpage by clicking on the link which reads:

- Appellant's Informal Reply Brief Form
Word version of Appellant's Reply Brief⁴
Pro se litigants: use this form to file a reply brief in your appeal.

Exhibit 2 is Petitioner's pro se Informal Brief filed on November 19, 2019 as Docket Entry #19-1 in the Circuit Court's record for No. 19-55013.⁵

Exhibit 3 is one of Petitioner's three (3) pro se Informal Reply Brief⁶ filed on June 3, 2020 as Docket Entry #57 in the Circuit Court's Record for No. 19-55013.

³ The word version of the pro se Appellant's Opening Brief on the Circuit Court's website is fillable.

⁴ The word version of the pro se Appellant's Reply Brief on the Circuit Court's website is fillable.

⁵ This Exhibit is submitted as exemplification of the form of Informal Opening Brief filed in the Circuit Court by Petitioner, using the form made available on the Circuit Court's website.

⁶ *Id.*

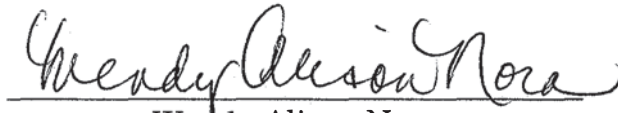
RJN-7

Exhibit 4 is the Circuit Court's Docket Report for No. 19-55013 most recently retrieved on December 13, 2020.

WHEREFORE, judicial notice of Exhibits 1, 1-A, 1-B, 1-C, 2, 3, and 4 is respectfully requested.

Dated this 18th day of December, 2020.

AN IMAGE OF THE SIGNATURE BELOW
SHALL HAVE THE SAME FORCE AND EFFECT AS
THE ORIGINAL

A handwritten signature in cursive script, reading "Wendy Alison Nora", is written over a horizontal line.

Wendy Alison Nora
Attorney for Petitioner
ACCESS LEGAL SERVICES, LLC
310 Fourth Ave. South, Suite 5010
Minneapolis, Minnesota 55415
VOICE: (612) 333-4144/FAX: (612) 206-3170
Email: accesslegalservices@gmail.com

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 1



UNITED STATES COURTS for the NINTH CIRCUIT

Chief Judge Sidney R. Thomas
Molly C. Dwyer, Clerk of Court
Elizabeth A. Smith, Circuit Executive

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DISTRICT & BANKRUPTCY COURTS
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Home
About the Court
Attorneys
News Media
Employment

Filing a Document - CM/ECF

Viewing a Document - PACER

Opinions

Calendar

En Banc Cases

Forms, FAQs, and Other Instructions

Pro Se Litigants

Rules

Legal Guides

Live Video Streaming of Oral Arguments and Events

Archived Audio and Video

Public Tours

RSS Feeds 

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Mediation

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- Chief Judge Sidney Thomas

[more >>](#)



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Lawyers Surveyed on Remote Hearings

Cases of Interest 

(12/08/20) Calvary Chapel Dayton Valley v. Sisolak & Calvary Chapel Lone Mountain v. Sisolak

(12/04/20) Perry v. Hollingsworth

(10/12/20) Mi Familia Vota v. Hobbs

(10/07/20) National Urban League v. Ross

(10/07/20) Arizona Democratic Party v. Katie Hobbs

Live Video Streaming of Oral Arguments and Events

No live oral argument or event streams are being published today.

Announcements 

NEW RESOURCES AVAILABLE

Sample brief and excerpts of record are now available, as well as a technical guide for working with PDFs. Click here to access these new resources.

NEW EXCERPTS OF RECORD RULES

The Court has adopted new rules effective December 1, 2020, including significant revisions to rules governing excerpts of record and oversized briefs. Click here to see new Excerpts of Record Rule 30-1 and redlined versions of all other rule revisions.

COVID UPDATES

Update to Operational Changes

We have limited staff in the courthouse due to the current public health crisis. We are asking that you email inquiries instead of calling the court during this time. Court staff will respond to you as soon as possible, likely within a few hours. The email address is: questions@ca9.uscourts.gov. Please include your case number and a telephone number in case court staff needs to reach you.

Inmates with Pending Execution Dates 

There are no pending executions.

Ninth Circuit News

Remote Argument Survey Highlights Positives and Negatives of Streaming During Pandemic

2019 Ninth Circuit Annual Report Available Online!

Judge J. Clifford Wallace Celebrates 50 Years on the Bench

Chief Judge Thomas Congratulates Civics Contest Winners

Congress Weighs Judge and Courthouse Security Bills

[>>more News](#)

Judgeship



Public Information & Community Outreach Committee

Federal Public Defender

Federal Public Defender Opportunity: Western District of Washington

Applications must be received by 5 p.m., January 21, 2021

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Annual Reports

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 1-A



[Home](#)
[About the Court](#)
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[News Media](#)
[Employment](#)

[Filing a Document - CM/ECF](#)
[Viewing a Document - PACER](#)
[Opinions](#)
[Calendar](#)
[En Banc Cases](#)
[Forms, FAQs, and Other Instructions](#)
[Pro Se Litigants](#)
[Rules](#)
[Legal Guides](#)
[Live Video Streaming of Oral Arguments and Events](#)
[Archived Audio and Video](#)
[Public Tours](#)
[RSS Feeds](#)

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[Mediation](#)
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- Chief Judge Sidney Thomas



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Pro Se Litigants

Instruction Packets Forms by Category

[Case Opening](#)
[Fee Status](#)
[Certificates and Statements](#)
[Motions](#)
[Briefs](#)
[Sealed Documents](#)
[Post-Judgment](#)
[Miscellaneous](#)

Instruction Packets

[After Opening a Case](#)

[Post-Judgment Information](#)

Forms by Category

Case Opening

- Form 1. Notice of Appeal from a Judgment or Order of a United States District Court**
 Use Form 1 to appeal a District Court judgment or order.
- Form 2. Notice of Appeal from a Decision of the United States Tax Court**
 Use Form 2 to appeal a Tax Court decision.
- Form 3. Petition for Review of Order of a Federal Agency, Board, Commission, or Officer**
 Use Form 3 to ask the Court to review an Agency, Board, Commission, or Officer order (this includes a decision from the Board of Immigration Appeals).
- Form 5. Notice of Appeal from a Judgment or Order of the Bankruptcy Appellate Panel**
 Use Form 5 to appeal a Bankruptcy Appellate Panel judgment or order.
- Form 6. Representation Statement**
 Use Form 6 to notify the Court who the parties and attorneys are for an appeal at the same time you file your notice of appeal.
[Instructions for Form 6](#)
- Form 12. Application for Leave to File Second or Successive Petition under 28 U.S.C. § 2254 or Motion under 28 U.S.C. § 2255**
Word version of Form 12
 Pro se litigants: use Form 12 to ask permission to file a second or successive habeas corpus petition or motion.
[Instructions for Form 12](#)

[Return to top of page](#)

Fee Status

- **Form 4. Motion and Affidavit for Permission to Proceed In Forma Pauperis**

Use Form 4 to ask the Court to waive the filing fees in any civil case (use Form 23 in a criminal or habeas corpus case).

Instructions for Form 4

- **Form 23. CJA Financial Affidavit**

Use Form 23 to support a request to waive fees or a motion for appointment of counsel in a criminal or habeas corpus case (use Form 4 in a civil case).

Instructions for Form 23

[Return to top of page](#)

Certificates and Statements

- **Form 6. Representation Statement**

Use Form 6 to notify the Court who the parties and attorneys are for an appeal at the same time you file your notice of appeal.

Instructions for Form 6

- **Form 8. Certificate of Compliance for Briefs**
Word version of Form 8

Use Form 8 to certify that your brief's word count complies with the Court's length limit.

Instructions for Form 8

- **Form 11. Certificate of Compliance for Petitions for Rehearing or Answers**
Word version of Form 11

Use Form 11 to certify that your petition for rehearing or answer to petition for rehearing complies with the Court's length limit.

Instructions for Form 11

- **Form 15. Certificate of Service for Electronic Filing**
Word version of Form 15

Use Form 15 to certify that you served your electronic filing if it will not be served via the Electronic Filing system (use Form 25 if you file only in paper).

Instructions for Form 15

- **Form 16. Circuit Rule 27-3 Certificate for Emergency Motion**
Word version of Form 16

Use Form 16 to accompany your emergency motion.

Instructions for Form 16

- **Form 18. Certificate for Paper Copy of Electronic Brief**

Use Form 18 to certify that the paper copies of your brief match the electronically filed version.

Instructions for Form 18

- **Form 25. Certificate of Service for Paper Filing**
Word version of Form 25

Pro se litigants: if you file only in paper, use Form 25 to certify that you are serving the other parties with a copy of your document.

- **Form 33. Certificate of Mailing for Pro Se Inmates**

Pro Se litigants who are incarcerated or detained, use Form 33 to certify when your notice of appeal or other filing was delivered to prison officials for forwarding to the Court.

[Return to top of page](#)

Motions

- **Form 4. Motion and Affidavit for Permission to Proceed In Forma Pauperis**

Use Form 4 to ask the Court to waive the filing fees in any civil case (use Form 23 in a criminal or habeas corpus case).

Instructions for Form 4

- **Form 13. Streamlined Request for Extension of Time to File Brief**

Pro se litigants: if you file only in paper, use Form 13 to request a first extension of time to file a brief, up to 30

days.

- **Form 14. Motion for Extension of Time**

Use Form 14 to request an extension of time to file document other than a brief or to file a brief when a streamlined extension is unavailable (such as a request of more than 30 days).

Instructions for Form 14

- **Form 15. Certificate of Service for Electronic Filing**
Word version of Form 15

Use Form 15 to certify that you served your electronic filing if it will not be served via the Electronic Filing system (use Form 25 if you file only in paper).

Instructions for Form 15

- **Form 16. Circuit Rule 27-3 Certificate for Emergency Motion**
Word version of Form 16

Use Form 16 to accompany your emergency motion.

Instructions for Form 16

- **Form 23. CJA Financial Affidavit**

Use Form 23 to support a request to waive fees or a motion for appointment of counsel in a criminal or habeas corpus case (use Form 4 in a civil case).

Instructions for Form 23

- **Form 24. Motion for Appointment of Counsel**

Pro se litigants: use Form 24 if you do not have a lawyer and want to ask the Court to appoint a lawyer for you.

Instructions for Form 24

- **Form 25. Certificate of Service for Paper Filing**
Word version of Form 25

Pro se litigants: if you file only in paper, use Form 25 to certify that you are serving the other parties with a copy of your document.

- **Form 27. Generic Motion**

Pro se litigants: use Form 27 to ask the Court to file a motion for any relief other than for an extension of time, to waive the fees, or for appointment of counsel (see Forms 13, 14, 4, 23, and 24).

Instructions for Form 27

- **Form 28. Response to Motion or Court Order**

Use Form 28 to respond to a motion filed by another party or a Court order directing a response.

Instructions for Form 28

[Return to top of page](#)

Briefs

- **Form 8. Certificate of Compliance for Briefs**
Word version of Form 8

Use Form 8 to certify that your brief's word count complies with the Court's length limit.

Instructions for Form 8

- **Form 15. Certificate of Service for Electronic Filing**
Word version of Form 15

Use Form 15 to certify that you served your electronic filing if it will not be served via the Electronic Filing system (use Form 25 if you file only in paper).

Instructions for Form 15

- **Form 18. Certificate for Paper Copy of Electronic Brief**

Use Form 18 to certify that the paper copies of your brief match the electronically filed version.

Instructions for Form 18

- **Form 25. Certificate of Service for Paper Filing**
Word version of Form 25

Pro se litigants: if you file only in paper, use Form 25 to certify that you are serving the other parties with a copy of your document.

- **Appellant's Informal Opening Brief Form**

Word version of Appellant's Informal Brief

Pro se litigants: use this form to file an opening brief in your appeal.

- **Petitioner's Informal Opening Brief Form - Immigration Agency**
Word version of Immigration Petitioner's Informal Brief

Pro se litigants: use this form to file an opening brief in your immigration petition for review.

- **Petitioner's Informal Opening Brief Form - Non-Immigration Agency**
Word version of Agency Petitioner's Informal Brief

Pro se litigants: use this form to file an opening brief in your non-immigration petition for review.

- **Appellant's Informal Reply Brief Form**
Word version of Appellant's Reply Brief

Pro se litigants: use this form to file a reply brief in your appeal.

- **Petitioner's Informal Reply Brief Form**
Word version of Petitioner's Reply Brief

Pro se litigants: use this form to file a reply brief in your petition for review.

[Return to top of page](#)

Sealed Documents

- **Form 15. Certificate of Service for Electronic Filing**
Word version of Form 15

Use Form 15 to certify that you served your electronic filing if it will not be served via the Electronic Filing system (use Form 25 if you file only in paper).

[Instructions for Form 15](#)

- **Form 19. Notice of Sealing**

Use Form 19 if sealing a document or case is required by a statute or procedural rule.

[Instructions for Form 19](#)

- **Form 20. Notice of Intent to Unseal**

Use Form 20 if you do not intend to ask that a document that was sealed in a lower court or agency remain under seal in this Court.

[Instructions for Form 20](#)

[Return to top of page](#)

Post-Judgment

- **Form 10. Bill of Costs**

Use Form 10 to request costs within 14 days from the opinion or memorandum's file date.

[Instructions for Form 10](#)

- **Form 11. Certificate of Compliance for Petitions for Rehearing or Answers**
Word version of Form 11

Use Form 11 to certify that your petition for rehearing or answer to petition for rehearing complies with the Court's length limit.

[Instructions for Form 11](#)

[Return to top of page](#)

Miscellaneous

- **Form 22. Notice of Change of Address**

Pro se litigants: if you file only in paper, use Form 22 to notify the Court if your address has changed.

- **Form 26. Notice of Delay**

Use Form 26 to notify the Court that a case, motion, or petition for rehearing has been pending for longer than a prescribed time.

[Instructions for Form 26](#)

- **Form 29. Request for Docket Sheet, Document, or Rules**

Pro se litigants: if you file only in paper, use Form 29 to request a copy of a docket sheet or document filed in a case in which you are a party, or a copy of the Court's rules.

[Instructions for Form 29](#)

[Return to top of page](#)

[Site Map](#) | [Intranet \(Judiciary Only\)](#) | [COOP Staff Page](#) | [Seminar Disclosures](#) | [Judicial Misconduct](#) | [Suggestions](#)

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 1-B

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

_____ Appellant(s), vs. _____ Appellee(s).	9th Cir. Case No. _____ District Court or BAP Case No. _____
--	--

APPELLANT'S INFORMAL OPENING BRIEF

(attach additional sheets as necessary, up to a total of 50 pages including this form)

JURISDICTION. This information helps the court determine if it can review your case.

1. Timeliness of Appeal:

- a. What is the date of the judgment or order that you want this court to review? _____
- b. Did you file any motion, other than for fees and costs, after the judgment was entered? Answer yes or no: _____
 - If you did, on what date did you file the motion? _____
 - For prisoners or detainees, what date did you give the motion to prison authorities for mailing? _____
 - What date did the district court or bankruptcy appellate panel (BAP) decide the motion that you filed after judgment? _____
- c. What date did you file your notice of appeal? _____
 - For prisoners or detainees, what date did you give your notice of appeal to prison authorities for mailing? _____

FACTS. Include all facts that the court needs to know to decide your case.

2. What are the facts of your case?

3. What did you ask the district court or the BAP to do—for example, did you ask the court to award money damages, issue an injunction, or provide some other type of relief?

4. What legal claim or claims did you raise in the district court or at the BAP?

5. **Exhaustion of Administrative Remedies.** For prisoners, did you use up all administrative remedies for each claim before you filed your complaint in the district court? If you did not, please tell us why.

PROCEEDINGS BEFORE THE COURT OF APPEALS. In this section, we ask you about issues related to this case before the court of appeals and any previous cases you have had in this court.

6. What issues are you asking the court to review in this case? What do you think the district court or the BAP did wrong?

7. Did you present all issues listed in Question 6 to the district court or the BAP?
Answer yes or no: _____

If not, why not?

8. What law supports these issues on appeal? (You may refer to cases and statutes, but you are not required to do so.)

9. **Other Pending Cases.** Do you have any other cases pending in the court of appeals? If so, give the name and docket number of each case.

10. **Previous Cases.** Have you filed any previous cases that the court of appeals has decided? If so, give the name and docket number of each case.

Name

Address

Signature

Date

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 1-C

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Appellant(s),

vs.

9th Cir. Case No. _____

District Court or
BAP Case No. _____

Appellee(s).

APPELLANT'S INFORMAL REPLY BRIEF

(attach additional sheets as necessary, up to a total of 25 pages including this form)

For the optional reply brief in response to appellee's answering brief(s) only.

List each issue or argument raised in the answering brief to which you are replying. Do not repeat arguments from your opening brief or raise new arguments except in response to arguments made in the answering brief(s).

Issue/Argument Number 1

What is the first argument in the answering brief to which you are replying?

What is your reply to that argument?

Issue/Argument Number 2

What is the second argument in the answering brief to which you are replying?

What is your reply to that argument?

Issue/Argument Number 3

What is the third argument in the answering brief to which you are replying?

What is your reply to that argument?

Name

Address

Signature

Date

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOV 12 2019

FILED
DOCKETED

Billie Rene' Frances Lillian Powers

9th Cir. Case No. 19-55013

Plaintiff-Appellant- Pro Per

District Ct No. 8:17-cv-01386-DOC-KES

Vs.

THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK,
AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE
LOAN TRUST 2007-HY9, MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2007-HY9; et al.,

Defendant- Appellee(s).

APPELLANT'S INFORMAL OPENING BRIEF

(attach additional sheets as necessary, up to a total of 50 pages including this form)

JURISDICTION. This information helps the court determine if it can review your case.

1. Timeliness of Appeal:

- a. What is the date of the judgment or order that you want this court to review? November 26, 2018 [See ROA exhibit "A"]
- b. Did you file any motion, other than for fees and costs, after the judgment was entered? Answer yes or no: No
 - If you did, on what date did you file the motion? N/A

- For prisoners or detainees, what date did you give the motion to prison authorities for mailing? N/A
 - What date did the district court or bankruptcy appellate panel (BAP) decide the motion that you filed after judgment? N/A
- c. What date did you file your notice of appeal? December 27, 2018 [See ROA Exhibit "B"]

FACTS. Include all facts that the court needs to know to decide your case.

2. What are the facts of your case?

FACTS. Include all facts that the court needs to know to decide your case.

Due to the page restraints and number of exhibits in this complex case, Appellant requests the Appeal Board to refer to the Docket and filed documents as needed.

1. Appellant filed her verified Complaint in the lower court matter on August 11, 2017 under 28.1330 BREACH Of CONTRACT/190 Contract: Other, with Jury demanded. This original Complaint was never issued a summons by the Court and forced to be amended during the time recused Judge Selna was still presiding. The Defendants: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK; THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY9; THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE, FOR THE CERTIFICATE HOLDERS CWALT INC., ALTERNATIVE LOAN TRUST 2007-HY9 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2007-HY9; BANK OF AMERICA; COMMONWEALTH LAND TITLE INSURANCE; ALTERNATIVE LOAN TRUST 2007-HY9; THE WOLF FIRM, A LAW CORPORATION; QUALITY LOAN SERVICING CORPORATION; SELECT PORTFOLIO SERVICING INC. ; Jon Secrist

The well plead Complaint was filled with evidence of facts with claims for:

1. BREACH OF CONTRACT;
2. 18 USC 1028A/AGGRAVATED IDENTITY THEFT;
3. FEDERAL FAIR CREDIT REPORTING ACT. (FCRA)
4. FDCPA;
5. 28 U.S.C. § 1652;

6. LANDLOCKED TITLE POLICY;
7. LAW OF VOIDS;
8. 15 U.S.C. §§ 1692e, 1692f. ;
9. RESCISSION BASED ON VIOLATION OF SECTION 1632 OF CAL. CIVIL CODE;
10. RESCISSION BASED ON FRAUD;
11. UNFAIR DEBT COLLECTION PRACTICES;
12. UNFAIR BUSINESS PRACTICES;
13. BREACH OF FIDUCIARY DUTY;
14. BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING;
15. BREACH OF DUTIES UNDER 18 US CODE 4;

The case was assigned to Judge James V. Selna. Discovery referred to Magistrate Judge Karen E. Scott. Appellant gave great detail and merits to the facts evidenced to the near 10 years of her attempts to settle this matter outside of the Court, exhausting every remedy she could find outside a lawsuit to end the false claims against her by the Appellees.

Appellant did not get a summons upon filing as she filed for Forma Pauperis, which created a delay for the summons, subsequently the court appears to have erred when not issuing a summons on Appellants filing August 11, 2017, in lieu issuing a summons for the FIRST AMENDED COMPLAINT as the fee was paid.

2. Appellant caused a Request to proceed In Forma Pauperis to be filed on 8/11/17

3. Appellant caused a Certificate/Notice of Interested Parties to be filed on 8/11/17. This is showing her 5 Heirs in Succession, her children as interested parties.

4. Appellant Filed a Notice to Parties of Court -Directed ADR Program (ADR-8) on 8/11/17 Appellant believed the parties could settle the matter without delayed Justice through ADR.

5. Report and Recommendation by the Magistrate Scott to Judge Selna was filed on 8/16/17.

6. Order by Judge Selna Denying Appellants Forma Pauperis with leave to amend INF and Appellants complaint. This Minute Order was filed 8/17/19

7. Minute Order In Chambers by Magistrate Judge Karen E. Scott: re: IMF and Complaint amend by 9/18/17.

8. Order to Reassign Case. Judge Selna self-recused pursuant to General Order 16005. Case transferred to Judge David O. Carter 9/7/17

9. Appellant filed for an extension of time to file her "first" amended complaint on 9/18/17. Extension was approved on 9/19/17 and extended until 10/18/17

10. Appellant paid the court fee of \$400 on 9/20/17 filing FIRST AMENDED COMPLAINT against COUNTRYWIDE HOME LOANS, INC.; COUNTRYWIDE BANK, FSB; COMMONWEALTH LAND TITLE INSURANCE COMPANY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. "MERS"; BANK OF AMERICA, N.A.; RECONTRUST COMPANY, N.A.; BAC HOME LOANS SERVICING, LP; QUALITY LOAN SERVICING CORPORATION; SELECT PORTFOLIO SERVICING, INC.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGEPASS-THROUGH CERTIFICATES SERIES 2007-HY9; Jon Secrist; AND DOES 1 TO 100.

Appellants causes of action on her FIRST AMENDED Complaint held many declaratory actions, a demand for Jury and Rescission of Deed of Trust;

- 1 INJUNCTIVE RELIEF
- 2 CONSPIRACY
- 3 UNJUST ENRICHMENT
- 4 RICO VIOLATIONS OF RESPA
- 5 RICO VIOLATIONS
- 6 MATERIAL MISREPRESENTATIONS
- 7 WRONGFUL FORECLOSURE
- 8 FRAUD, DECEPTION, CONCEALMENT
- 9 BREACH OF SECURITY INSTRUMENT
- 10 DECLARATORY JUDGMENT
- 11 BREACH OF DUTY OF GOOD FAITH
- 12 VIOLATIONS OF MODIFICATION
- 13 SLANDER OF TITLE
- 14 CONVERSION
- 15 DECLARATORY RELIEF
- 16 VIOLATION OF 15 U.S.C. § 1692
- 17 JUDICIAL ESTOPPLE
- 18 FRAUDULENT CONVEYANCE

11. 21 day Summons issued re FIRST AMENDED Complaint 9/20/2017 and on 10/16/2017 Service of Summons and Complaint returned executed on all parties was filed. Original Complaint Summons never issued by court.

12. Request by Appellant to Substitute in Attorney Richard Snyder on 10/18/17 and granted by Judge Carter on 10/20/17.

13. Multiple filings by Attorney Steven Daily, for Bank of New York Mellon as Trustee, MERS, SPS, filed between October 10/16/2017.

14. Appellant filed Opposition and Memorandum of points and authorities in support thereof re: NOTICE OF MOTION AND MOTION to dismiss the case filed by Appellee Bank of New York Mellon as Trustee, MERS, SPS. on 10/30/17

15. The Court caused a Stipulation Extending Time to Answer (30 days or less) to the parties represented by Steven Britt, for Countrywide, BofA, Recontrust et al. regarding the FIRST AMENDED COMPLAINT. (where did Britt ask for it?)

16. Appellant files a Temporary Restraining Order (TRO) on 10/30/17 against Defendants/Appellees COUNTRYWIDE HOME LOANS, INC.; COUNTRYWIDE BANK, FSB; COMMONWEALTH LAND TITLE INSURANCE COMPANY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. "MERS"; BANK OF AMERICA, N.A.; RECONTRUST COMPANY, N.A.; BAC HOME LOANS SERVICING, LP; QUALITY LOAN SERVICING CORPORATION; SELECT PORTFOLIO SERVICING, INC.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGEPASS-THROUGH CERTIFICATES SERIES 2007-HY9; Jon Secrist; AND DOES 1 TO 100. TRO brought by Appellant to return possession of property back to Appellant and restrain Appellees from any action to transfer or sell Appellants property and to return Appellants family personal and private belongings.

17. Appellee attorney Steven Dailey, for BONYM as Trustee, SPS, MERS filed an Objection/Opposition and request for judicial notice re: Appellants TRO filing 11/1/17. (no opposition from other parties counsel, just Dailey)

18. TRO HEARING 11/2/17 Judge Carter calls the Case **compensable** saying it is a case money could settle and promises to be the Sledgehammer recommending indictments to the United States Attorney General if Appellant can give him proof of document fraud. Not all Defendants of record were present. [See ROA Exhibit "C". page 10 line 1-3 **"This seems to be compensable, quite frankly. This seems to be something that could be recovered, especially in terms of fraud."** page 11 line 10, 19, 20 **"Sledgehammer"**, if it does have merit.. proceed forward" Page 12 lines 14-17 **"But let me repeat: If these are fraudulent documents, watch out. Because this will go far beyond a civil matter. I'll refer it over to the U.S. Attorney's office. Okay?"**]

19. 11/2/17 hearing: Judge orders Attorney Steven Dailey and Appellants Attorney Snyder to meet outside the court to see if the **compensable** matter may be settled. Dailey offers Appellant \$5,000.00 to settle the matter against his 3

clients, BONYM, SPS, MERS. Appellants counsel denies the offer. (Dailey later admits he has no authority to negotiate)

20. MINUTES OF 11/2/17 HEARING Filed 11/2/17 Judge Carter denied TRO seeing no emergency, when in fact evidence showed contrary to that opinion. Appellant was given leave to file a second amended complaint by 12/14/17 saying the FIRST AMENDED was poorly plead, "compensable?". Pending motion to dismiss the case is withdrawn without prejudice. 11/20/17 hearing date vacated.

21. Appellant ordered a transcript of the TRO hearing and the Notice of filing of Transcript of TRO Hearing 11/2/17 was docketed by court recorder Debbie Gale on 11/2/17. This transcript where Judge Carter names himself "The Sledgehammer" and promises to listen to fraud claims with recommending indictments if she does.

22. Appellants Attorney Richard Snyder files her SECOND AMENDED Complaint 12/14/17. Appellant disagreed with Attorney Snyder's tactics showing his inexperience regarding Breach of Contract Cases and that she did not get to review the document before his electronic filing for errors, leading to a breakdown of attorney-client relationship. Parties listed: BANK OF AMERICA, N.A. ; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGEPASS-THROUGH CERTIFICATES SERIES 2007-HY9; ROGER DELONG

1. ADVERSE POSSESSION
2. CANCELLATION OF INSTRUMENTS
3. WRONGFUL FORECLOSURE

23. Appellees represented by Stephen Britt and Steven Dailey filed numerous motions to dismiss the case and Dailey also filed to dismiss only portions of the Second Amended Complaint.

24. Appellant requested substitution of attorney for the removal of Attorney Richard Snyder on 1/5/18 and Judge Carter approved the request on 1/8/18

25. Minute orders in chamber of Judge Carter's entered on 1/26/18 regarding ORDER SETTING SCHEDULING CONFERENCE for 3/26/18 and setting Hearings on Appellees Motions to Dismiss to 3/5/18. Scheduling Conference was continued to 6/4/18 by Judge Carter in the 3/5/18 Minute Orders. It was again rescheduled to 10/15/18, it was never held.

26. Appellant files Notice of scheduled meeting to be held with Appellees, Jury Demand, Request to Produce Christopher Warren on 2/2/18.

27. Motion to Dismiss filed by Appellant on 2/2/18. A 3/5/18 date was set for hearing. Then, Minute Orders from Judge Carter denying Appellants Motion to Dismiss was filed on 2/9/18.

28. Appellant filed Notice to Produce Paul Mangione on 2/14/18. Magistrate denies without prejudice on 2/21/18 .

29. Appellant files Affidavit by Jane Doe-1 Asking her identity to be sealed for her safety. Appellant caused an additional Affidavit of Jane Doe-1, 35 year Federal Crimes Investigator and Employee of the FBI, to be filed on (NOT the Affidavit under seal as the court docket claims, just her identity) The Court never ruled upon this request. Appellant believes a jury would find Jane Doe-1 testimony satisfactory for a dismissal in Appellants favor.

30. Appellant files a request to do a THIRD AMENDED COMPLAINT and REPLY OPPOSING DEFENDANTS NOTICE OF MOTION AND MOTION TO DISMISS her Second Amended Complaint. 2/15/18.

31. Appellees file numerous motions to dismiss the case and portions of Appellants SECOND AMENDED COMPLAINT during the period of February 15 and 3/5/18 hearing. The only 3 named Defendants on the Second Amended were BONYM as trustee, Bank of America, N.A. and Roger Delong (Delong was never served) yet Stephen Britt and Steven Dailey filed oppositions to the Second Amended for MERS, SPS, BAC Home loans Servicing, LP, Bank of America, Countrywide Bank FSB, Countrywide Home Loans, Inc., Recontrust Company N.A., which is factually in relation to the FIRST AMENDED COMPLAINT already dismissed with leave to amend.

32. Motion hearing re: MOTION TO DISMISS [35]; MOTION TO STRIKE PORTIONS OF PLAINTIFFS SECOND AMENDED COMPLAINT [36]; MOTION TO DISMISS; [38]; held before Judge Carter on 3/5/18. During this hearing Steven Dailey gave False testimony regarding claims a third party purchased the Property, Thomas Peppers, in relation to this Breach of Contract case, the Transcripts show Dailey gave false statements to the court and he later calls a mistake in retraction. Court gives allowance for Appellant to file a THIRD AMENDED COMPLAINT, mooted the motions to dismiss and strike. must be filed no later than 3/19/18.

33. Attorney Angela Swan files Appellants THIRD AMENDED COMPLAINT on 3/19/18. (Does the court error as there is no substitution of attorney recorded until 4/11/18 that was subsequently approved by the court on 4/12/18?)

Third Amended Filed against; BANK OF AMERICA, N.A.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON

BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY9; SELECT PORTFOLIO SERVICING, INC.; QUALITY LOAN SERVICE CORPORATION; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE CLAVADETSCHER; and DOES 1 to 10,

Claims:

1. CONSPIRACY
2. VIOLATIONS OF HUD
3. VIOLATIONS OF HOME OWNERS BILL OF RIGHTS (HBOR)
4. VIOLATIONS OF TRUTH IN LENDING (TILA) 1641
5. 6 YEAR STATUTE OF LIMITATIONS EXPIRED TO FORECLOSE
6. PROMISSORY ESTOPPEL
7. WRONGFUL FORECLOSURE
8. BREACH OF CONTRACT
9. FRAUD AND DECEIT
11. DECLATORY RELIEF
12. QUIET TITLE
13. DEFAMATION OF CHARACTER
14. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
15. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
16. UNFAIR COMPETITION

Court SUMMONS ISSUED on April 11, 2018

34. Lis-Pendens Notice filed by Attorney Swan for Appellant 3/20/18.

35. Motion of FIRST REQUEST to Substitute Attorney Angelá Swan filed 4/11/18 and approved by the court on 4/12/18. (court inserts FIRST REQUEST verbiage, but Swan filed documents beginning 3/20/18)

36. Commonwealth puts in for a notice of deficiency because they have not been served due claiming name is incorrect summons sent by Attorney Swan. "and" was included between land "and" title in the name which is not their name.

Appellant has claimed in all filings that the Bank of New York as Trustee name on her title is fraud upon her title due to the name does not exist and is a variance of the name used on the assignment recorded against her home that Appellant won Jon Secrist's notary bond claim on for fraud.

37. Judge Carter schedules and reschedules the hearing regarding Motions to Dismiss ending with an 8/27/18 date.

38. Appellees file numerous Motions to Strike, Dismiss, objections and Requests for Judicial Notice between 3/19/18 and the dismissal of this case reflected on docket.

39. Appellant files oppositions to Appellees numerous motions and objections between 3/19/18 and up to CIVIL JOINDER OF CRIMINAL ACTIONS FILING on 5/20/18

40. Appellant files Motion for CIVIL JOINDER OF CRIMINAL ACTIONS 5/22/18. A motion intended for Judge Carter to make good on his promise of recommending indictments to the US Attorney General. Filed with intent for the AG to take this case in as a qui tam for Appellant and all parties affected by these crimes.

Parties: BANK OF AMERICA, N.A.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY9; SELECT PORTFOLIO SERVICING, INC.; QUALITY LOAN SERVICE CORPORATION; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE CLAVADETSCHER; and DOES 1 to 10

Claims:

1. NOTICE OF PLAINTIFF'S MOTION AND PLAINTIFF'S MOTION FOR JOINDER OF BANKING FRAUD VIOLATIONS OF 18 U.S. CODE §1005,
2. BANK ENTRIES, REPORTS AND TRANSACTIONS; 18 U.S. CODE §1006, FEDERAL CREDIT INSTITUTION ENTRIES, REPORTS AND TRANSACTIONS; 18 U.S. CODE § 1341, FRAUDS AND SWINDLES;
3. 18 U.S. CODE § 880, RECEIVING THE PROCEEDS OF EXTORTION;
4. 18 U.S. CODE § 1957, ENGAGING IN MONETARY TRANSACTIONS IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY, RICO;

41. Dozens of Financial Crime victims send interest into the case outcome of the CIVIL JOINDER OF CRIMINAL ACTIONS. Interested Party forms are used and the docket reflects the receipt of these victims, whistle blowers, witness documents. These documents were served concurrently by the interested parties upon counsel for all parties.

41. 7/27/18 Appellant and Attorney Swan have irreconcilable differences, Swan quit because she said if she goes against the banks she will lose her license.

42. 7/30/18 hearing regarding CIVIL JOINDER OF CRIM2NAL ACTIONS. Judge Carter tells stories and parodies regarding other cases he has litigated; Lehman Brothers, Standards and Poor (McGraw Hill) Golden Eagle investment. Judge Carter talks about fraud and people losing homes to crimes and the banks dirty deeds. over 60 "interested parties" attended. Judge Carter allows Appellant to speak without counsel and interact with opposing counsel. Appellant did not know Attorney Swan filed electronically at 10:20 the night before on 7/29/18 to Amend the Third Amended Complaint, matter was not to be heard until August 27, 2018. 7/30/18 court hearing was a STAND ALONE MOTION for Civil Joinder of Criminal Actions brought with intent to show Judge Carter the fraud he asked proof of. Appellant did not plan on the THIRD AMENDED COMPLAINT being heard on the same day as to create what could be a hybrid case in the hearing. In fact, Appellant "Moved" the court to find in her favor on the record during the hearing and the court did not answer. Judge Carter can be heard on the record saying he is delaying this "nonsense", also he is heard discussing a file of the case that he does not want out as it does not yet exist yet (yet?). [See ROA Exhibit "D"]

43. Appellant files remove/substitute Attorney Angela Swan out on 8/23/28 as Swan had quit 7/30/18 delaying Appellant in limbo. Swan went back and forth with hostility, confusing Appellant and creating irreconcilable differences. The removal was set to be heard 9/24/18.

44. MINUTES for Motion for CIVIL JOINDER OF CRIMINAL ACTIONS denied 7/31/18. FOURTH AMENDED COMPLAINT approved with court demanding Appellant add Thomas Peppers to the complaint or it will not be accepted.

45. On 9/14/18 Appellant files a NOTICE OF MOTION AND MOTION for hearing for preliminary injunctive relief halting any marketing or sale of property/and to return possession of private residential real property and belongings to plaintiff; Memorandum of points and authorities; declaration of Billie Rene' Frances Lillian Powers in support of preliminary injunctive relief order; proposed order. Appellees file numerous motions against this motion. Appellant also files:

9th Cir. Case No. 19-55013

Page 11

SECOND REQUEST TO SUBSTITUTE Attny Angela Swan approved on 9/19/18, first request was 8/23/18, yet Swan QUIT on July 30, 2018. (this left Appellant delayed);

46. Appellant files for extension to file FOURTH AMENDED COMPLAINT 9/27/18, approved in chambers and due October 12, 2018.

47. NOTICE OF PLAINTIFF'S REMINDER TO THE COURT OF DOCUMENTS PLAINTIFF HAS ATTEMPTED TO FILE AND EXHIBITS ON CD RECEIVED BY THE COURT AND NOT FILED OR DOCKETED : Filed by Appellant 10/2/18. Regarding the following;
Documents stamped received on August 10, 2018 and not yet showing on the docket;

a. NOTICE OF MOTION AND PLAINTIFF'S MOTION FOR RECONSIDERATION OF PLAINTIFFS'S MOTION FOR JOINDER OF BANKING FRAUD VIOLATIONS; DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT THEREOF

b. [Proposed] ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION OF PLAINTIFF'S MOTION FOR JOINDER OF BANKING FRAUD VIOLATIONS

c. DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF PLAINTIFFS NOTICE OF MOTION AND PLAINTIFFS MOTION FOR RECONSIDERATION OF PLAINTIFFS MOTION FOR JOINDER OF BANKING FRAUD VIOLATIONS.

d. Plaintiff also reminds the court received documents she brought for filing titled; NOTICE OF REAKDOWN OF ATTORNEY CLIENT RELATIONSHIP CAUSING PLAINTIFF TO BE UNABLE TO ADEQUATELY REPRESENT HER CASE. AND PAINTIFF Billie Rene' Frances Lillian Powers DECLARATION IN SUPPORT THEREOF. Both were filed and docketed 13 days later on 8/23/18 but attorney was not removed until 9/19/18.

Documents received by the court on 9/14/18 and not filed.

a. MOTION FOR HEARING FOR PRELIMINARY INJUNCTIVE RELIEF HALTING ANY MARKETING OR SALE OF PROPERTY; AND TO RETURN POSSESSION OF PRIVATE RESIDENTIAL REAL PROPERTY

AND BELONGINGS TO PLAINTIFF; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF PRELIMINARY INJUNCTIVE RELIEF ORDER; PROPOSED ORDER.

b. [PROPOSED] ORDER APPROVING PLAINTIFFS MOTION FOR HEARING FOR PRELIMINARY INJUNCTIVE RELIEF HALTING ANY MARKETING OR SALE OF PROPERTY; AND TO RETURN POSSESSION OF PRIVATE RESIDENTIAL REAL PROPERTY AND BELONGINGS TO PLAINTIFF.

c. DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF PLAINTIFFS MOTION FOR HEARING FOR PRELIMINARY INJUNCTIVE RELIEF HALTING ANY MARKETING OR SALE OF PROPERTY; AND TO RETURN POSSESSION OF PRIVATE RESIDENTIAL REAL PROPERTY AND BELONGINGS TO PLAINTIFF; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF PRELIMINARY INJUNCTIVE RELIEF ORDER; PROPOSED ORDER

d. NOTICE OF REQUEST BY PLAINTIFF TO SEEK MEDIATION THROUGH ADR SERVICES, INC.

e. DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF NOTICE OF ATTORNEY ANGELA SWAN REQUEST OR WITHDRAWAL OF COUNSEL

f. NOTICE OF ATTORNEY ANGELA SWAN REQUEST OR WITHDRAWAL OF COUNSEL; DECLARATION OF Billie Rene' Frances Lillian Powers IN SUPPORT OF NOTICE.

g. NOTICE OF PLAINTIFFS FIRST REQUEST FOR ADMISSIONS

h. NOTICE OF PROOF OF SERVICE OF NOTICE OF PLAINTIFFS FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION.

and, CD OF EXHIBITS RECEIVED JANUARY 2018 BY THE COURT BUT NOT DOCKETED

48. Appellant files FOURTH AMENDED COMPLAINT 10/12/18 against THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY9; SELECT PORTFOLIO SERVICING, INC.; BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE CLAVADETSCHER; THOMAS PEPPERS; and DOES 1 to 10

48. Appellant filed Motion for Subrogation on 10/19/18. On 11/19/18 Judge Carter took it under submission in chambers: The court found the matter appropriate for decision without oral argument. A ruling was never entered.

49. Plaintiff files 11/1/18: NEW EVIDENCE against MERS and Bank of America, N.A. Appellant also filed: Plaintiffs reply/OPPOSITION to Defendants NOTICE OF MOTION AND MOTION TO DISMISS Plaintiff's FOURTH AMENDED COMPLAINT; Plaintiffs reply to Defendants motions to strike; Plaintiffs reply to Defendants Opposition to Plaintiffs motion for verification of subrogation; Memorandum and Points Thereof: Meet and Confer Outcome: Plaintiffs Declaration in support; Plaintiffs Notice of MERS milestone and additional new facts [242], [249], [250].

50. Appellant files REQUEST FOR JUDICIAL NOTICE of Exhibits KK-XX in reply to [242], [249], [250] on 11/1/18.

51. Appellees file substantial numbers of motions against Appellant throughout the final months of the case. Commonwealth filed papers after dismissal 11/26/18.

52. 11/15/18 Appellant filed a prepared statement for the court

53. In chamber MINUTES DISMISSING THE CASE on 11/26/18. [See ROA Exhibit "A"]

54. Appellant files Notice of Appeal on 12/27/18.

Furthermore:

The Court assumes to know the case and yet opinions, rules and orders contrary to the evidence in facts. Appellant is legal title holder on 8/8/16 on the day Appellees allege a Trustee auction against a Deed of Trust. Evidence provided showing this fact on the record in Appellants Original filing and subsequently, but the court

9th Cir. Case No. 19-55013

Page 14

extended false narrative of Appellees in the final order that Appellant was not on title. (See ROA Exhibit "A")

Appelle BONYM VP Gavin Tsang verifies BONYM doesn't own Appellants property or a loan on it. Evidence was provided to court.

Appellant maintained possession and title of the property known as APN 125-120- from 2/2/07 until the extreme force lock out by Sheriffs on 9/21/17.

Appellant possesses 7/2015 recorded notice of default (NOD) against Appellees for breach of contract for \$15,300,00.00. Appellant and Appellees (SPS/BONYM) were in settlement at the time of alleged foreclosure said to be against Appellants Deed of Trust.

Alleged mortgage is active with Select Portfolio Servicing Inc., the account has incurred in excess of \$250,000.00 more in fees since 8/8/16 alleged foreclosure action, amount is tolling up. Evidence of this fact on the record.

The Court forced Appellant to add Thomas Peppers, she did not want him as a Defendant. Appellant gave evidence of the 2/2012 Court Judgment between Appellant and Thomas Peppers, due to his October 2009 fraudulent foreclosure action against her property, and Appellant agreed not to litigate him further in exchange of return of her stolen title with prejudice, title was returned. Fraud eviscerates Peppers title, hence Appellant has always been title holder and in possession of since 2007.

Attorney Dailey, purports to represent The Bank of New York Mellon **F/K/A** the Bank of New York, as Trustee, on **Behalf of the Holders of the Alternative** Loan Trust 2007-HY9, Mortgage Pass-Through Certificates Series 2007-HY9; Select Portfolio Servicing, Inc.; and, Mortgage Electronic Registration Systems, Inc. Dailey made claims during the 3/5/18 hearing, on the record, that Thomas Peppers was the bonafide third party purchaser, Dailey was admonished by the court the court demanded proof of Peppers as a third party purchaser and a break was taken. Dailey returned admitting his "mistake" on the record. Thomas Peppers was not on Title and there was nothing more than an alleged credit bid. Appellant was on title 8/8/2016.

Appellant gave proof the alleged title holder, The Bank of New York Mellon **F/K/A** the Bank of New York, as Trustee, **on Behalf of the Holders** of the Alternative Loan Trust 2007-HY9, does not exist and is only a close representation

of the Trust noted on the void assignment signed by known robo-signer Nichole Clavendetscher and notarized by Jon Secrist. The Assignment alleged to be a Corporate Assignment of Mortgage from MERS to The Bank of New York Mellon **FKA the Bank of New York, As Trustee, For The CertificateHolders, Cwalt Inc.,** Alternative Loan Trust 2007-HY9 Mortgage Pass Through Certificates, Series 2007-HY9. When one compares the two names, they do not match and are not the same entity.

Judge Carter promised Appellant he'd recommend indictments against Appellees if Appellant could show him evidence of fraud in any documents. Judge Carter directed Appellant to prove the fraud and she brought a standalone CIVIL JOINDER OF CRIMINAL ACTIONS with proof of crimes to comply further. Judge Carter affirmed knowing Banking crimes during the proceedings. Appellants intent was to have the recommendation to US AG and having US AG take the case moving it up into a qui tam.

In an unprecedented response to the filing, and Judge Carters promises of indictments, dozens of victims came forward to stand as interested parties in the outcome of the Action. The Court recognized the attendees at 7/30/28 hearing. Judge Cartor told spectators, parties to the case and the court stories of other cases he litigated. He said these cases proved harm upon homeowners, damages and fraud, such as Lehman Brothers, Standard & Poors (McGraw Hill), Golden Eagle Investments. The entire room can be heard gasping as the Court then ordered their documents destroyed and nothing returned. These parties came forward as whistle blowers, witnesses and victims of Financial Crimes Against Humanity believing Judge Carter would honor his word. Destruction of Evidence of crimes.

The Court denied knowledge of Appellants private right of action in this FIRST IMPRESSION case for the civil joinder of criminal actions and the court surprisingly included the Third Amended Complaint that was not to be held until 8/27/18, which caused Appellant confusion. (following reflection of the proceedings Appellant feels she was a puppet as the court proceeded in a fashion appearing to have already determined his decision, giving a parody for a fourth amended complaint that is stripped of most causes to proceed and is led into full destruction by 12 b actions)

Appellant has received no due process of a meaningful opportunity to be heard and to present factual evidence and facts. Contrary to evidence and facts presented by the Appellant, the court took away her causes of action and delayed her justice. 12b assisted in destruction of the case.

There are three things that do not have statute limitations.

1. Murder. 2. Kidnapping. 3. And fraud. Especially when fraud is extrinsic fraud upon the court by court officer.

Appellants cause of action to bring this appeal stands on the fact that there is no due process in this case. There has been no freedom of speech [which implies the freedom to hear the case and additionally to be able to rehear the case in the form of official audiotapes], freedom of the press.

PROCEEDINGS BEFORE THE DISTRICT COURT OR THE BAP. In this section, we ask you about what happened before you filed your notice of appeal with this court.

3. What did you ask the district court or the BAP to do—for example, did you ask the court to award money damages, issue an injunction, or provide some other type of relief?

Appellant asked the court to recognize this breach of contract case created damages and injuries to Appellant. Due to the Compensable Damages, which are recognized by Judge Carter on the record during the TRO hearing on 11/3/17.

Appellant asked for financial damages, payments due her, her property returned and her children's inheritance returned.

Judge Carter promised to recommend indictments to the Attorney General if Appellant could prove even one document of fraud. Appellant asked the court to approve a Civil Joinder of Criminal Actions to address the proof of fraud she gave.

Appellant asked for Trial by Jury, not to allow hearsay by Appellees, to have Appellees prove agency and their ability to negotiate with Appellant. All Appellees claim they had no authority to negotiate with Appellant and the court was asked to move on the matter. Appellant asked for a formal rescission of Deed of Trust contract, attorney fees, expert fees, counsel fees, restitution as allowed by law, and general damages, special damages, actual damages, punitive damages to be proven at trial.

3. What legal claim or claims did you raise in the district court or at the BAP? Appellant filed Original Complaint August 11, 2017, followed by a First, Second, Third and Fourth Amended Complaint and also a CIVIL JOINDER OF CRIMINAL ACTIONS and supporting motions:

pleading:

Breach of Contract, 18 USC 1028 Aggravated Identity Theft, Federal Fair Credit Reporting Act (FCRA), FDCPA, 28 USC 1652, Land Locked Title Policy, Law of Voids, 15 USC 1692e 1692f, Rescission based on violation of section 1632 of California Civil Code, Rescission based on fraud, Unfair debt collection practices, unfair business practices, breach of fiduciary duty, breach of covenant of good faith and fair dealing, breach of duties under US code 4, 18 USC 241 and 242, Grand Theft Larceny, California Homeowner Bill of Rights (HBOR), Slander of Title, Treble Damages, Attorney Fees, Cancellation of Trustees Deed Upon Sale, Notary Fraud, California Penal Code 115, Quiet Title, Declaratory and Injunctive Relief, CONSPIRACY; UNJUST ENRICHMENT; RICO VIOLATIONS OF RESPA; RICO VIOLATIONS; MATERIAL MISREPRESENTATIONS; WRONGFUL FORECLOSURE; FRAUD, DECEPTION, CONCEALMENT; BREACH OF SECURITY INSTRUMENT; DECLARATORY JUDGMENT; BREACH OF DUTY OF GOOD FAITH; VIOLATIONS OF MODIFICATION; SLANDER OF TITLE; CONVERSION; VIOLATION OF 15 U.S.C. § 1692; JUDICIAL ESTOPPLE; FRAUDULENT CONVEYANCE; ADVERSE POSSESSION, CANCELLATION OF INSTRUMENTS; VIOLATION OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”); VIOLATION OF THE TRUTH IN LENDING ACT (TILA) §1641(g); Statute of Limitations; Promissory Estoppel; Wrongful eviction; Fraud and Deceit, Defamation of character; Intentional Infliction of Emotional Distress; Negligent Infliction of Emotional Distress; Unfair Competition; FOR JOINDER OF BANKING FRAUD VIOLATIONS OF 18 U.S. CODE §1005, BANK ENTRIES, REPORTS

AND TRANSACTIONS; 18 U.S. CODE §1006, FEDERAL CREDIT INSTITUTION ENTRIES, REPORTS AND TRANSACTIONS; 18 U.S. CODE § 1341, FRAUDS AND SWINDLES; 18 U.S. CODE § 880, RECEIVING THE PROCEEDS OF EXTORTION; 18 U.S. CODE § 1957, ENGAGING IN MONETARY TRANSACTIONS IN PROPERTY DERIVED FROM SPECIFIED UNLAWFUL ACTIVITY, RICO.

PROCEEDINGS BEFORE THE COURT OF APPEALS. In this section, we ask you about issues related to this case before the court of appeals and any previous cases you have had in this court.

4. What issues are you asking the court to review in this case? What do you think the district court or the BAP did wrong?

1. Does the court error in omitting Appellants numerous audits and affidavits of facts in the orders while bolstering claims of the attorneys for Appellees?
2. Does the court error in omitting Appellants evidence that the alleged foreclosure could not have happened as there is still an open account upon was incurring hundreds of thousands of dollars against the Appellants estate? Billing BILLIE RENE POWERS escrows and taxes?
3. Does Magistrate error when she opined in assumptions contrary to the evidence and facts presented by Appellant. Appellant presented the evidence of Powers, Billie Rene' Frances Lillian as title holder on August 8, 2016, yet the Magistrate assumes to know the case and opinions in conflict to the evidence and facts saying Appellant was not on title at the time of the alleged foreclosure in what is called the Minute Order, Final Order from Chambers?
3. Does the Magistrate error in omitting Appellants proof in evidence that she was in settlement escrow negotiations with Appellees Select Portfolio Servicing inc. at the time of the alleged trustee auction?
4. Appellant would not have agreed to a decision by a Magistrate had she had a choice, did the court error in allowing minute order/decisions by the Magistrate without being transparent to the Appellant?
5. Does the Judge act in good faith?
6. Does the judge give the appearance of Bias?
7. Does the judge use loophole litigation tactics on my claims before him?
8. Does the judge abuse his discretion and forgo procedure by not recusing himself?
9. Does the assignment of a magistrate put Appellant in a compromising position under the Litigation Model?
10. Does the judge error in procedure ignoring so many of the Appellants claims?
11. Does the court error in procedure, even ethics, allowing Angela Swan to file documents before a substitution of attorney was on file?
12. Does the Judge error in not removing Angela Swan as attorney of record through Appellants FIRST REQUEST to remove Swan filed August 23, 2018.
13. Does the court error when promising the Appellant he would recommend criminal indictments and then breach his word to do so when First Impression Evidence was presented to him?

14. Does the court error in this First Impression case by not finding a Private Right of Action for Appellant to bring her CIVIL JOINDER OF CRIMINAL ACTIONS when in fact he quoted other cases that not only discussed this right but created a hybrid of a civil to a criminal and join Civil and Criminal, and the Appellant gave law supporting it?

15. Does the judge error in leading Appellant to believe he was going to be the "Sledgehammer"?

16. Does the Judge error in destroying evidence submitted by those calling themselves Interested Parties, whistle blowers and witnesses in the Civil Joinder of Criminal Actions?

17. Does the court error in treating this BREACH OF CONTRACT case as a Wrongful Foreclosure case and not recognizing Appellants Business Tort claims?

18. Did the court error in overlooking issuing a summons for Appellants original filing?

19. Did the court error in procedure forcing Appellant to add Thomas Peppers to the case, against the desires of the Appellant, when the evidence proved Appellant and Peppers had a Judgment entered February 2012 that was entered by another court settling the matters between Appellant and Peppers due to Peppers illegal foreclosure against Appellants title, that Peppers had to return title to Appellant due to fraud? Did the Court error in Procedure?

20. Does the court error in procedure by overlooking that no known parties, or parties with firsthand knowledge of Appellants documents, have come to the court to face Appellant as she asked?

21. Does the court error in procedure and facts by referring to the Appellant as Pro Se when in fact she is Pro Per?

22. Does the court error in procedure or rules of the court allowing Appellees to create a narrative of slander of Appellant as a Sovereign Citizen (oxymoron), something she never claimed and adamantly is scared by as it puts Appellant in danger and under bias as a domestic terrorist rather than a victim of Financial Crimes stealing her estate? The Appellant sternly denies this bias and slander and does not appreciate being called names and harmed through the court. The fact Appellant knows the difference between Public and Private, that she is a Christian and speaks of God and the Constitution should not be used against her! (This is the CRUX of the INSANITY we are dealing with taking us back to 1812, regarding that word Sovereign. ..." but God left man Dominion over the land and that makes us Sovereign, which is why in the Masons Manual for Legislative Procedure Sec. 73 reads "The People of each state are vested with Sovereign authority,

expressed by their elected representatives, serving in a legislature. Thus, legislative power is absolute and unlimited except as restrained by the Constitution". - Would one label Mason's an oxymoron term such as "Sovereign Citizens" tagging them as domestic terrorists? Is this why our President, who uses the terms Sovereign, Christian values, Constitution constantly, is being targeted?) Appellants Journalistic work and reporting are also attacked by Appellees.

23. Does the court error in giving an appearance of bias against the Appellant who's beliefs are Christian when he gives a parody from the McGraw Hill case he sat on as a ponzi scheme perpetuated by those pretending to be Christians? Appellant prays and believes in God!

24. Does the court error in procedure not recognizing Appellants ADA needs?

25. Does the court error in procedure or ethics when highlighting the Appellants alleged shortcomings without stating Appellants evidence in facts that are with merit while giving the hearsay information of Appelles' attorneys validity?

26. Does the court error when first determining on the record that Appellants case is compensable in hearing on November 2, 2017, then subsequently ignoring this fact and opinion by directing Appellant to file numerous briefs and documents to give merit to her compensable claims? [See ROA Exhibit "C"]

27. Does the court error in procedure by ignoring Appellants statements of the Presidential Orders she aligns her case with? Such as his executive order of December 2017 dealing with Human Trafficking, which includes human trafficking on paper that Appellant has laid claims to throughout her briefs, affidavits and material facts?

28. Did the court error in procedure by not dismissing this case in Appellants favor when in fact the Appellees admitted they had nothing to do with the Origination of any loan and as such how could their clients have any real firsthand knowledge, biggest question is how can the court let the Appelle Attorneys act as both witness and counsel and not produce proof of agency?

29. Did the court error ethically, morally and was there good faith as he did not recognize Commonwealth Land Title Company claims of having nothing to do with the origination of any contract was not true when in fact evidence proves the Title Policy is a requirement and part of the contract for alleged approval and inclusion of the purported loan contract?

30. Did the court act in good faith and error procedurally ignoring the verified and notarized proof Appellant gave regarding the false Corporate Assignment of Deed of Trust, 3 years late in creation and notarized by Jon

Secrist, as found to be a bad instrument from which Appellant won the notary bond claim for?

31. Does the judge error in procedure and interpretation of the law when he opines not to know what private right of action would allow Appellant to have the Civil Joinder of Criminal Actions she sought after Judge "Sledgehammer" Carter promised recommendations of indictments if she proved a document of fraud and cases he litigated show otherwise? [See ROA Exhibit "C"]

32. Does the court error ethically, morally, procedurally or any other way known to the rules of the court on July 30, 2019 CIVIL JOINDER OF CRIMINAL ACTIONS when he admits he is delaying the case? [See ROA Exhibit "D"]

33. Does the judge error procedure, ethics, morals and interpretation of the law by ignoring Appellants rescission of deed of trust entered with evidence?

5. Did you present all issues listed in Question 4 to the district court or the BAP?
YES

6. What law supports these issues on appeal? (You may refer to cases and statutes, but you are not required to do so.) Any and all law, cases, codes, treaties etc. Allowed by Appellant to use against Appellees and for my children, and under the California State and

Federal Laws of the United States of America, Americas, and International Law, including Treaties, Family, Probate, Property, Bank, Insurance Trust Laws and Statutes.

There are ten essential maxims or precepts in commercial law
Maxims of Law There are ten essential maxims or precepts in commercial law.

1st MAXIM. WORKMAN IS WORTHY OF HIS HIRE. The first of these is expressed in Exodus 20:15; Lev. 19:13; Mat. 10:10; Luke 10:7; II Tim. 2:6. Legal maxim: "It is against equity for freemen not to have the free disposal of their own property."

2nd MAXIM. The second maxim is "Equality before the law" or more precisely, ALL ARE EQUAL UNDER THE LAW. (God's Law - Moral and Natural Law). Exodus 21:23-25; Lev. 24: 17-21; Deut. 1:17, 19:21; Mat. 22:36-40; Luke 10:17; Col. 3:25. "No one is above the law". This is

founded on both Natural and Moral law and is binding on everyone. For someone to say , or acts as though, he is "above the law" is insane. This is the major insanity in the world today. Man continues to live, act, believe, and form systems, organizations, governments, laws and processes which presume to be able to supercede or abrogate Natural or Moral Law. But, under commercial law, Natural and Moral Law are binding on everyone, and no one can escape it. Commerce, by the law of nations, ought to be common, and not to be converted into a monopoly and the private gain of the few.

3rd MAXIM. This one is one of the most comforting maxims one could have, and your foundation for your peace-of-mind and your security and your capacity to win and triumph -- to get your remedy -- in this business. IN COMMERCE TRUTH IS SOVEREIGN. (Exodus 20:16; Ps. 117:2; John 8:32; II Cor. 13:8).

4th MAXIM. TRUTH IS EXPRESSED IN THE FORM OF AN AFFIDAVIT. (Lev. 5:4-5; Lev. 6:3-5; Lev. 19:11-13; Num. 30:2; Mat. 5:33; James 5: 12). An affidavit is your solemn expression of your truth. In commerce, an affidavit must be accompanied and must underlay and form the foundation for any commercial transaction whatsoever.

5th MAXIM. AN UNREBUTTED AFFIDAVIT STANDS AS TRUTH IN COMMERCE. (12 Pet. 1:25; Heb. 6:13-15;) Claims made in your affidavit, if not rebutted, emerge as the truth of the matter. Legal Maxim: "He who does deny, admits." 1.

6th MAXIM. AN UNREBUTTED AFFIDAVIT BECOMES THE JUDGMENT IN COMMERCE. (Heb. 6:16-17;). There is nothing left to resolve.

7th MAXIM. IN COMMERCE FOR ANY MATTER TO BE RESOLVED MUST BE EXPRESSED. (Heb. 4:16; Phil. 4:6; Eph. 6:19-21). No one is a mind reader.

8th MAXIM. The primary users of commercial law and those who best understand and codified 2 / 4

<http://understandcontractlawandyouwin.com> it in Western Civilization are the Jews. This is Mosaic Law they have had for more than 3500 years past which is based upon Babylonian commerce. This one is: HE WHO LEAVES THE BATTLEFIELD FIRST LOSES BY DEFAULT. (Book of Job; Mat. 10:22; This means that an affidavit which is unrebutted point for point stands as "truth in commerce" because it hasn't been rebutted

and has left the battlefield.. Legal Maxim: "He who does not repel a wrong when he can, occasions it". 1.

9th MAXIM. SACRIFICE IS THE MEASURE OF CREDIBILITY (NO WILLINGNESS TO SACRIFICE = NO LIABILITY, RESPONSIBILITY, AUTHORITY OR MEASURE OF CONVICTION).

10th MAXIM. So, the tenth maxim of law is: A LIEN OR CLAIM CAN BE SATISFIED ONLY THROUGH REBUTTABLE BY AFFIDAVIT POINT BY POINT, RESOLUTION BY JURY, OR PAYMENT.

Commercial Law is non-judicial. This is pre-judicial (not prejudice). This is timeless. This is the base, the foundation beneath which any government or any of their court systems can possibly exist or function.

Additionally:

"We have long held that a conveyance of real property, such as a mortgage, that does not name the assignee conveys nothing and is void; we do not regard an assignment of land in blank as giving legal title in land to the bearer of the assignment. See *Flavin v. Morrissey*, 327 Mass. 217, 219 (1951); *Macurda v. Fuller*, 225 Mass. 341, 344 (1916). See also G.L. c. 183, § 3."

Magna Carta

Constitution (They will create no bills of attainder that run afoul with the constitution)

Private Right to Property

Land Rights

Whistle Blower Protection Act/Retaliation to being a Whistle Blower

Tax Evasion

Fraud, Conversion, Identity Theft

Human Trafficking

Case Law

Common Law

Star Decisis

Precedents

Statutes of Limitations

Laws of Void

Tort Law

Fraud upon the Court and Persona

FARA non compliance

Maxim- One may not create parole evidence to bring one to a parole demise

Contract Law

New York Trust Law

Financial Crimes Against Humanity

Grave acts of Moral Turpitude

Criminal Conversion

Criminal Misappropriation

FRAUD against the constitution

Anti Trust

Mail Fraud

Wire Fraud

TREASON is being used under United states v Aqbul to take the 12(b) in

Federal, State, and International laws that are found to apply in my defense of this wrongful action, breach of contract, discovered identity theft and fraudulent use of my identity, and the consequences of the violations of these laws by named Appellants, some may be unknown, which I reserve the right to include going forward, acting as agents for various Business, Banking, and Insurance entities.

Appellant was denied her Right of Private Action. Mason's Legislative Manual 2010 Edition Sec 73 COURTS OVER LEGISLATIVE BODIES GENERALLY SAYS: "The people of each state are vested with Sovereign authority, expressed by their elected representatives serving in a legislature. Thus, legislative power is absolute and unlimited except as restrained by the Constitution."

7. Other Pending Cases. Do you have any other cases pending in the court of appeals? If so, give the name and docket number of each case. NO

8. Previous Cases. Have you filed any previous cases that the court of appeals has decided? If so, give the name and docket number of each case. NO

Appellant reserves the right to Amend and add further evidence and witnesses due to the not readily discoverable parties evidence and potential witnesses, to include witnesses with expertise in specific practices.

9th Cir. Case No. 19-55013

Page 25

Appellants original filing for Breach of Contract August 11, 2017 was one of her best attempt pro per to give the merits of evidence of facts, show the damages and fraud in enough light in a timeline and matter as any man/jury could comprehend.

Appellant asks for this case to properly be heard in a Trial by Jury and due process be followed. Appellant is not opposed to this being heard in rem with consideration of all her claims, all the interested parties, witnesses, victims with their evidence of Financial Crimes who have also come forth seeking redress of their grievances in support of the CIVIL JOINDER OF CRIMINAL ACTIONS to be taken by the United States Attorney General to prosecute the crimes against us. The Appellant would ask that Appellees secede and settle matters expeditiously with her. Justice must be served and without due process it cannot.

Name

Signature

Address

Date

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on _____
by: _____

- ☐ U.S. Mail
☐ Fax
☐ Hand
☐ Electronic Means (by E-mail or CM/ECF)

Name of Counsel

Signature of Counsel

Law Firm

Address

City, State, Zip

Telephone Number

Fax Number

E-Mail Address

NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT FOR PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

**Re: Re: 9th Cir. Case # 19-55013 and Federal Case # 8:17-cv-01386-DOC-KES
Billie Rene' Frances Lillian Powers v. THE BANK OF NEW YORK MELLON F/K/A THE
BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE
ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2007-HY9; SELECT PORTFOLIO SERVICING, INC.; BANK
OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE
CLAVADETSCHER; THOMAS PEPPERS; and DOES 1 to 10, inclusive,**

**I am employed and/or live in the aforesaid County; I am over the age of 18 years
and not a party to the above-titled action:**

**On November 8, 2019 I served the documents, APPELLANT'S INFORMAL OPENING
BRIEF and supporting documents to all defendants named herein separately:**

**Thomas Peppers
503 36th Street
Newport Beach, California 92663**

**[X] (By Mail) I caused each such envelope, with postage therein fully pre-paid, to be placed
in the United States mail in Costa Mesa, California.**

**[X] (State) I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct**

Executed on 11-2-19, at Costa Mesa, California



John Cleveland

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT FOR PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

**Re: 9th Cir. Case # 19-55013 and Federal Case # 8:17-cv-01386-DOC-KES
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OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE
CLAVADETSCHER; THOMAS PEPPERS; and DOES 1 to 10, inclusive,**

**I am employed and/or live in the aforesaid County; I am over the age of 18 years
and not a party to the above-titled action:**

**On November 2, 2019 I served the documents, Plaintiffs APPELLANT'S INFORMAL
OPENING BRIEF and supporting documents to all defendants named herein separately:**

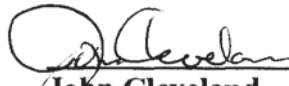
**Steven M. Dailey and Rebecca L. Wilson
Kutak Rock, LLP
5 Park Plaza, Suite 1500
Irvine, CA 92614-8595**

***Attorneys for The Bank of New York Mellon F/K/A the Bank of New York, as Trustee, on
Behalf of the Holders of the Alternative Loan Trust 2007-HY9, Mortgage Pass-Through
Certificates Series 2007-HY9; Select Portfolio Servicing, Inc.; and, Mortgage Electronic
Registration Systems, Inc.***

**[X] (By Mail) I caused each such envelope, with postage therein fully pre-paid, to be placed
in the United States mail in Costa Mesa, California.**

**[X] (State) I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct**

Executed on 11-2-2019, at Costa Mesa, California


John Cleveland

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT FOR PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

**Re: 9th Cir. Case # 19-55013 and Federal Case # 8:17-cv-01386-DOC-KES
Billie Rene' Frances Lillian Powers v. THE BANK OF NEW YORK MELLON F/K/A THE
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OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;
COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE
CLAVADETSCHER; THOMAS PEPPERS; and DOES 1 to 10, inclusive,**

**I am employed and/or live in the aforesaid County; I am over the age of 18 years
and not a party to the above-titled action:**

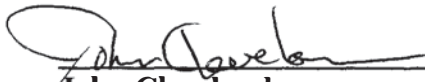
**On 11-2-19 I served the documents, APPELLANT'S INFORMAL OPENING BRIEF and
supporting documents to all defendants named herein separately:**

**Kevin S. Sinclair, Partner
Early Sullivan Wright Gizer & McRae, LLC
6420 Wilshire Blvd., 17th Floor
Los Angeles, CA 90048
*Attorney for Commonwealth Land Title Insurance Company***

**[X] (By Mail) I caused each such envelope, with postage therein fully pre-paid, to be placed
in the United States mail in Costa Mesa, California.**

**[X] (State) I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct**

Executed on 11-2-19, at Costa Mesa, California


John Cleveland

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 3

9th Cir. Case No. 19-55013

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Billie Rene' Frances Lillian Powers

9th Cir. Case No. 19-55013

Plaintiff-Appellant- Pro Per

Vs.

District Ct No.
8:17-cv-01386-DOC-KES

THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK,
AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE
LOAN TRUST 2007-HY9, MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2007-HY9; et al.,

R E C E I V E D
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUN 03 2020

FILED _____
DOCKETED _____ DATE _____ INITIAL _____

Defendant- Appellee(s).

**Appellant's Informal Reply Brief-To
THE BANK OF NEW YORK MELLON AS TRUSTEE...; SELECT
PORTFOLIO SERVICES, INC; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS**

Appellant/Pro-Per, Billie Rene' Frances Lillian Powers (known herein as "Powers"), replies with General Deniability to all statements, accusations, claims against her by Appellees et-al, in specific for this paperwork, Appellees Bank of New York Mellon (BONYM), Select Portfolio Services, Inc. (SPS) and Mortgage Electronic Registration Systems (MERS). Powers asks this court to review all her filings with exhibits docketed, presented by Powers since the initial USDC filing 8-11-2017 #1-65. "A-XX" recorded 10-2018. Powers stands with Dkt #24-Petition-of-Remonstrance.

9th Cir. Case No. 19-55013

Issue/Argument Number 1 , Appellees Claim:

Page: 1, Paragraph 2: “In 2007, Powers obtained a \$1.19 Million loan, secured by real property, and stopped making payments in 2010.”

Issue/Argument Number 1 , Powers Answers:

This argument is wrong/misleading. Powers hands the court the evidence the last payment was years prior in 2008, not 2010, when Powers found payments weren't going to a known secured party.

What Loan? Powers rescinded alleged contract (See Exhibit "C","D" recorded October-2018) Powers entered evidence into this case proving the True Creditor is The American People, and in this particular transaction that took place in 2007 Billie Rene' Frances Lillian Powers is and Powers is the Real Party of Interest and Holder in Due Course. Congressman McFadden Speech provided by Powers, in which is a Congressional Record, clearly supports this Fact. See "Civil-Joinder-of-Criminal-Actions filed by Powers June-22-2018 Dkt #217 in this case.

Sealed Testimony of Powers Jane Doe witness goes directly to these facts. Won't a jury find the evidence proves, Billie Rene' Frances Lillian Powers, the woman, isn't only the real party of interest/holder in due course, as beneficiary of the public trust's, but the actual Creditor/Lender.

A Breach of Contract occurred with Appellee Commonwealth-Land-Title-Insurance-Company's defective Title-Policy. The Policy was required in order for any alleged loan to occur. See Powers informal reply to Appellee Commonwealth regarding the defective title policy.

The Breach-of-Contract regarding the alleged contract, Deed of Trust and Note started at Powers wet autograph and solidified on July-2-2007 date of alleged “origination”. No lender comes forward, there is no lender of record or holder in due course and this entire case must be ruled in

9th Cir. Case No. 19-55013

Powers favor, Powers is the only one injured.

Issue/Argument Number 2, Appellees Claim:

Pg. 2, Paragraph 2 “Furthermore, Appellees submit that the District Court soundly found Powers’s causes of action failed on the face of Powers’s Fourth Amended Complaint. Powers attacked Appellees’ ability to enforce Powers note and deed of trust based on the sweeping claim of an alleged “void” Assignment. She did not, however, allege facts implicating a void Assignment, and thus lacked standing to make such a claim. Her contract based claims were found to fail, as the District Court recognized her failure to allege her own performance under the loan.”

Issue/Argument Number 2, Powers Answers:

Powers provides the evidence proving she won the notary bond claim against Jon Secrist for the fraud within the alleged Corporate Assignment of October-2010: 3 years past cut off; including robo signer Clavendetscher; Secrist having a conflict of interest as BofA employee with interest in stock that would cause him benefit in a taking of the property within documents he notarized; incorrect spellings of entities and more. As well as Powers proves that the BONYM Trust name being used on the Corporate Assignment and the BONYM Trust name now slandering her title are not the same entities. Powers evidence supports Powers claims of Void-Assignment, as Powers is the only first-hand witness with knowledge-in-affidavit of facts in evidence. The misleading/disinformation responses of Appelle's et-al prove their lack of firsthand knowledge. Performance of alleged loan is also void, as no loan took place. See exhibits "H"-"K", "JJ" recorded October-2018)

The XIV amendment to the U.S. Constitution section 4: “*The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.*”

Powers calls for an Investigation and Public Order by a Petition of Remonstrance filed in this Appellate case Docket #24 and into the California-General-Assembly, filed in/with Congress in

9th Cir. Case No. 19-55013

Illinois/Hawaii/Alaska/Maryland/Oregon/Colorado/Texas/New York/Florida/N.

Carolina/Michigan/ Mississippi/Georgia and sent to executive branches/agents the Office of the President, Secret-Service, every State Governor, DOJ. Clearly, addresses the unconstitutional 1913 Federal Reserve Act, overcoming the USDC final order to dismiss Powers fourth-amended complaint, Rule 12 (b) 6. Powers, has a lawful claim in the Legislature, following due-process

of law. In the 2010 Mason's Manual for Legislative Procedure pg. 561 Part X Investigations by Legislative Bodies "2. The legislature has the powers to investigate any subject regarding which it may desire information in connection with the proper discharge of its function to enact, amend or repeal statutes or to perform any other act delegated to it by the constitution ." Ex parte McCarthy (Calif., 1866); Greenfield V Russel (Ill., 1920); Attorney General v Brissenden (Mass., 1930); Briggs V. MacKellar (N.Y., 1855); People ex rel. McDonald v. Keeler (N.Y., 1885); Simpson V. Hill (Okla., 1927); Commonwealth V. Costello (Pa., 1912); Wisconsin ex rel. Rosenhein V. Frear (Wis., 1909).

Issue/Argument Number 3, Appellees Claim:

Pg. 2, 2nd paragraph, last sentence into page 3. "Appellees note that the District Court also could have dismissed Powers case on grounds she wasn't the real party in interest to assert claims relating to Property which she didn't have title. It could also have found the attack on foreclosure failed absent tender, or her claims were barred by judicial estoppel due to representations made in her bankruptcy actions. Appellees respectfully submit the order granting the Motion to Dismiss the Fourth Amended Complaint should be affirmed in its entirety."

Issue/Argument Number 3, Powers Answers:

Appellee et-al disinformation alleges Powers wasn't on Title August-2016 and that Powers was removed from Title in 2009, neglecting to include the facts in evidence that she was removed by fraudulent-foreclosure of Peppers who returned Powers title in February 2012 following Powers lawsuit against him. Dailey intentionally gives false narratives to the appellate court knowing Powers held title until transfer to BONYM as Trustee. See exhibit "UU" USDC October-2018/ the 2016-17 property tax bill, "R" The judgment/Stipulation returning Title stolen by Peppers back to Powers.

9th Cir. Case No. 19-55013

Powers records evidence of an account still being open, BILLIE RENE POWERS continues being billed and escrows continue, Powers is receiving interest 1099 OID's for escrow overages, yet this court is led to believe there was a Trustee-Sale. Facts provided by Powers prove otherwise. See exhibit "GG", "HH" USDC records October-2018)

Won't facts Appellees BofA/MERS created the void assignment of Oct-2010 after the bankruptcy filed in 2008 wherein they already claimed the Trust as secured party also be relevant? (See exhibits "H-K" USDC filing 10-2018, regarding notary bond award to Powers for facially defective instrument notarized by BofA-Secrist and signed by MERS-officer/robosigner Clavendetscher.)

Tender is a mute point. Powers offered facts as to why tender isn't required. Judge Carter dismissed arguments for Powers to tender; Powers claimed, The court in Yvanova also rejected the view that an offer of tender of the amount of the secured indebtedness, or an excuse of tender, was needed to establish the borrower's standing. (Yvanovaat 929, fn. 4.) In Yvanova, the California Supreme Court unanimously rejected the argument that borrower standing required a showing of prejudice and a tender of the balance due on the loan. (Yvanova at 929, fn. 4.) (See Amicus Brief exhibit #54 recorded August-11-2017 with first complaint)

BONYM isn't lender or holder of Deed-of-Trust or Note. New York Court of Appeals, Deutsche Bank Natl. Trust Co. v Barclays Bank PLC 2019 NY Slip Op 08519 noting: **"The Trustee is not party to the Trust and cannot litigate in the name of the Trust or itself."**

Article 1, Section 10 of the United States Constitution: "No State shall enter into any Treaty, Alliance, or Confederation; grant letters of Marque and reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of these Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Therefore, everything occurring after first Breach of Contract is Null/Void, *Void Ab Initio*.

9th Cir. Case No. 19-55013

Appellees acts are barred by judicial estoppel due to mis-representations, among other valid claims known/unknown, of True Creditor-Powers, at origination and mere facts not one party allegedly acting on behalf of Appellees have validated debts claimed, or proven a loan even took place. Where is the lender?

SPS and the BONYM have admitted in court July-30-2018 they aren't the lender and have nothing to do with origination in this case and don't have any genuine paperwork and BONYM validates no ownership or loan with the property or Powers. (see exhibit "JJ" USDC recorded 10-2018, VP-BONYM says they don't own the property or loan on it, "X" Audit of Records.)

(Powers evidence shows SPS falsely claims to be the lender for insurance and billing purposes under "current" account, same #'s, that's open and SPS continues sending Powers statements.)

See McLean v JP Morgan Chase Bank Natl. Assn., 79 So. 3d 170, 17 (Fla. App. 2012). "The Plaintiff must prove that it had standing to foreclose when the complaint was filed." See also, Burley v. Douglas, 26 So. 3d 1013, 1019 (Miss. 2009), quoting Lujan v. Defenders of Wildlife, 504 U.S. 555, 571, 112 S. Ct. 2130, 119 L.Ed. 2d 351 (1992) "Standing is to be determined as of the commencement of suit."

See also, U.S. Bank Natl. Assn. V Kimball, 190 Vt. 210, 2011 VT 81, 27 A.3d 1087 pg. 14 "U.S. Bank was required to show that at the time complaint was filed it possessed the original note either made payable to bearer with a blank endorsement or made payable to order with an endorsement specifically to U.S. Bank" RMS Residential Properties, L.L.C. v. Miller, 303 Conn. 224, 229, 232, 32 A.3d 309 (2011), quoting Hiland v. Ives, 28 Conn. Supp. 243, 245, 257, A.2d 822 (1966) "Standing is the legal right to set judicial machinery in motion" holding that the plaintiff had standing because it proved ownership of the note and mortgage at the time it commenced foreclosure action.

Issues/Arguments Number 4, Appellees Claim:

Pg. 2, Paragraph 3 STATEMENT OF JURISDICTION "The District Court had subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Judgment in favor of Appellees was filed on November 26, 2018. Powers filed her notice of appeal on December 27, 2018. This Court has appellate jurisdiction pursuant to 28 U.S.C. § 1291."

Issues/Arguments Number 4, Powers Answers:

According to USDC final order of Judge David O. Carter dismissing Powers fourth-amended complaint, under a Rule 12 (b) 1 and Rule 12 (b) 6, revealed that USDC lacked subject matter

9th Cir. Case No. 19-55013

jurisdiction in this case and dismissed 1-2-3-4 amended complaints, as a ruse to give the appearance of due process. First filing August-2017 had no legitimate Judge or summons, yet forced to amend. All the while the Powers motions for rights of subrogation, motions for ADR and settlement negotiations, among many other motions not ruled upon, nor has Powers been afforded equal protection of law/due process of law with the inviolate right of a trial by jury. Appellees don't provide proof of standing but intentionally offer facially defective documents through hearsay.

Due to false claims against Powers, Appellee et-al alleged-counsel/court were asked for their FARA, none is provided:

"Whereas, it is clearly established principle of law that an attorney must represent a Corporation, it being incorporeal and a creature of the law. An attorney representing an artificial entity must appear with the Corporate Charter and law in his hand. A person acting as an attorney for a foreign principal must be registered to act on the principal's behalf." See, FARA (22 USC § 612 et seq.); Victor Rabinowitz et al V Robert F. Kennedy, 376 US 605.

Issues/Arguments Number 5, Appellees Claim:

Pg. 3, paragraph 4 STATEMENT OF THE ISSUE "In Appellants brief, Appellants claims there are thirty-three vaguely and confusingly posed issues upon appeal. (Appellant's Brief, pp. 18-21.) Appellees submit, however, that the overall issue before this Court is whether the District Court properly granted Appellees' Motion to Dismiss her Fourth Amended Complaint under Rule 12(b)(6).

Issues/Arguments Number 5, Powers Answers:

Powers doesn't call her own claims Vague or Confusing. Appellees use the words vague/confusing to describe Powers claims. What's so vague and confusing? These laws are what BAR card members are supposed to know, maybe the con-fusion on their part is it they pretend claims are vague only when laws point to Appellee et-al own malfeasance? Though Appellees may not recognize laws they've a duty to under-stand them. These same claims were written comprehensive enough for Judge Carter to find the case "compensable" with potential

9th Cir. Case No. 19-55013

fraud. (See exhibits #33-38 USDC recorded 8-11-2017 cease and desist/notices)

Motion to dismiss Powers complaints becomes mute as no jurisdiction's present to force

Powers to amend the first complaint. Powers asks the panel to read her first filing, all the exhibits from 1-65 filed August-11-2017 and in October-2018 "A"-"XX".

Issues/Arguments Number 6, Appellees Claim:

Pg. 4, paragraph 2, “Appellant alleged she was the owner of real property located and previously identified prior to removal of SITUS at 40701 Ortega Highway, San Juan Capistrano (“Property”). (Supplemental Excerpts of Record (“SER”), vol. 4, p. 759, vol. 7, p. 1561.) She claimed that when she agreed to purchase the Property in 2007, the original escrow instructions indicated title was to be vested solely in her name. (SER, vol. 4, pp. 725-726.) But in June 2007, however, she was advised by her lender she “no longer qualified for the prospective loans and that a co-signer was necessary.” (SER, vol. 4, p. 726.) Appellant’s sister and brother-in-law, Jacqueline M. Hanson and Louis K. Hanson, agreed to co-sign. (SER, vol. 4, p. 726.) On July 2, 2007, a Grant Deed was recorded reflecting transfer of title of the Property to Appellant, Louise J. Hanson, and Jacqueline M. Hanson. (SER, vol. 2, p. 63.) Appellant alleged the recorded Grant Deed was the one executed in her name alone and was altered post-notarization, by the addition of the others’ names. (SER, vol. 4, pp. 727-728.)”

Issues/Arguments Number 6, Powers Answers

Powers, agrees the evidence on the record shows Powers was/is the solely vested name on the Grant Deed Delong executed April-2007, this isn't alleged, this is fact. Powers asserts material evidence proving the second-Grant-Deed's materially altered post-notary.

Affidavit of Notary Nancy Gaznon's firsthand knowledge verifies Grant Deed recorded July-2-2007 isn't the paperwork she notarized April-2007 (see exhibits #2-4, #6-9 USDC August-8-2017: regarding materially altered grant deed) SITUS/Address lawfully removed (see exhibits #29, #30, #50 USDC 8-11-2017: legal publication, SITUS removal, notice of domicile)

Issues/Arguments Number 7, Appellees Claim:

Pg. 6, paragraph 3, “On October 15, 2009, a Trustee’s Deed Upon Sale was recorded reflecting the Property sold to Peppers at a foreclosure sale due to Appellant’s default on a loan secured by

9th Cir. Case No. 19-55013

a lien junior to the Deed of Trust. (SER, vol. 4, p. 652.) Peppers subsequently filed an unlawful detainer action seeking possession. (SER, vol. 3, pp. 523-526.) Appellant confusingly claims she prevailed in that case. (SER, vol. 4, p. 729.) In fact, Judgment was entered in favor of Mr. Peppers on January 30, 2012, a writ of possession was entered February 3, 2012, and the unlawful detainer action was dismissed February 15, 2012. (SER, vol. 3, pp. 523-526.)”

Issues/Arguments Number 7, Powers Answers:

Appellees allege Powers is confused regarding action in 2009 by Peppers and that Peppers prevailed in a writ of possession in 2012, not mentioning the writ gained through fraud was cancelled (see exhibit "R" Stipulation/Judgement)

Powers asks the Panel to read Nov-2-2017 TRO hearing, Dailey attempted to mislead Judge Carter that Peppers bought the property, Dailey's forced to admits his "mistake".

Will the Court hold Dailey and Appellees alleged-counsel et-al accountable for disinformation they provide the court saying Peppers owned Powers property when they know Peppers writ of possession was defective and Peppers returned Powers Title because of Peppers fraud/illegal foreclosure? Powers was not in default to Peppers.

Issues/Arguments Number 8, Appellees Claims:

Pg. 7 last paragraph going onto pg. 8 “On October 26, 2010, another Corporation Assignment of Deed of Trust was recorded reflecting assignment to BONYM. (SER, vol. 2, p. 114.) Appellant alleged the Assignment was improperly notarized. (SER, vol. 4, p. 730.)

Issues/Arguments Number 8, Appellant Answers:

Let the evidence speak for itself, not only does Powers allege the Assignment was improperly notarized she gives evidence the assignment's void. (See exhibits "H"-"K", "N","O" filed USDC October-2018, Powers wins Secrist notary bond robosigned by MERS robosigner Clavendetscher), misses award by 2 weeks for Ahmad Afzals misconduct. Notice that Appellees et-al do not deny the void assignment by notary Ahmad Afzal. Both were filed within months apart of each other, both facially defective. Amicus Brief referenced for Yvanova identify the

9th Cir. Case No. 19-55013

laws on robosigning, false assignments and false claims #54 exhibit recorded USDC 8-11-18 Amicus Brief.

Issues/Arguments Number 9, Appellees Claims:

On pg. 8, section G Appellees bring up the Bankruptcies of the Appellant, claiming that the Appellant serially filed numerous bankruptcies without schedules and that the bankruptcies court dismissed Appellants claims and found that Appellant filed those bankruptcies in “bad faith”.

Issues/Arguments Number 9, Appellant Answers:

Again Dailey misleads the court. Powers brought BK in good faith as allowed by law. Powers discharged one BK in 2008 and BofA settled the account to zero, material evidence provided by Powers affidavits-in-firsthand-knowledge validates this (see exhibit "S","PP" recorded USDC 10-18)

Subsequent BK filings are mute, they weren't discharged and there's no claim against Powers for false filings other than by gas-lighting Appellee et-al.

BONYM filed documents into the 2008 BK, claiming to be assigned beneficiary/creditor when in fact in 2008 there was no assignment to them, it wasn't until 2010 MERS alleged to assign the note, later shown invalid as Powers won notary bond award for the facially defective instrument.

Issues/Arguments Number 10, Appellees Claims:

Pg. 9. Section I “The Property Was Foreclosed Upon in 2016. Appellant alleged SPS began servicing the loan in April 2012. (SER, vol. 4, p. 733.) On November 18, 2014, a Grant Deed was recorded in which Rancho Sonata, LLC purported to transfer its interest to Appellant. On September 30, 2015 a Notice of Trustee’s Sale was recorded. (SER, vol. 2, p. 131.) Appellant claims on October 7, 2015, the Property “Was attacked at gun point by the Orange County Swat/helicopter without any warrant, done under the guise of keeping the peace, to escort a cell tower employee onto” the Property. (SER, vol. 4, p. 739.) Appellant states on February 29, 2016, she had a meeting with SPS, and she sought production of original loan documents, but was only able to review “digital/alleged copies.” (SER, vol. 4, p. 741.) She alleged she “opened escrow” to negotiate a possible settlement with SPS, but no resolution was reached. (SER, vol. 4, p. 741.) On August 16, 2016, a Trustee’s Deed Upon Sale was recorded reflecting the Property sold on August 6, 2016 to BNYM. (SER, vol. 2, p. 134.) Forcible detainer proceedings commenced, and a judgment was eventually entered against Appellant.

9th Cir. Case No. 19-55013

(Appellant's Brief, p. 14.)”

Issues/Arguments Number 10, Powers Answers:

Dailey misrepresents evidence while leaving out pertinent facts:

Account's open accruing higher balance, evidencing no Trustee-Sale lawfully took place (see exhibits #"GG", "HH" filed USDC 10-18); Nov-2014 First-Trust-Deed Filed July-2015 as doc#-2015000362976 by new beneficiary (validity isn't denied or argued by Appellees et-al agreeing it is valid and still held by beneficiary on land records), grant deed taken out of LLC into Powers name as required;

Oct-2015 Powers property's attacked without warrant by OC Sheriffs claiming bank owned property and "Powers was a tenant" not allowing access (see exhibit #43, #65 filed USDC 8-11-17);

Meeting at SPS Utah offices Feb-2016, directed by SPS attorney Scott Hansen, led to open escrow for settlement requested by Hansen due to no genuine documents existing. SPS accepted escrow paperwork, didn't participate and lacked good faith, proceeded to Trustee-Sale (see exhibits#23-23b, #44-46 filed USDC 8-11-17) ;

Aug-16-2016 Trustee-Deed transfers title to BONYM trust. Notary bond award proves Assignment invalid, identity of Trust name invalid. Appelle claims BONYM as trustee bought Powers property, yet evidence proves BONYM VP denies BONYM ownership or loan, Trusts cannot foreclose or hold title and Certificate Holders have no harm as they continue to be paid.

Issues/Arguments Number 11, Appellees Claims:

Pg. 11 Section K. “She alleged that the Assignment of the Deed of Trust was void because it was recorded “past the cut-off date of the Pooling and Servicing Agreement” of the securitized trust to which it transferred, and there were “notary crimes”. (SER, vol. 12, p. 3012-21, 3045.) She claimed the foreclosing party must “prove it owns the note.” (SER, vol. 12, pp. 3021, 3077.) Appellant claimed there was “taking” by the County of Orange, an alleged “criminal trespass” by the Orange County Sheriff’s department, purported identity theft, and breaches of contract relating to a title insurance policy. (SER, vol. 12, pp. 3066, 3071.) She listed various statutes and case citations in the Caption and the pleading’s body [see, e.g. p. 34 (citing Ariz. Rev. Stat. § 33-420, FDCPA, “CA Penal Code

9th Cir. Case No. 19-55013

489(b)); pp. 38-42 (citing Homeowners Bill of Rights)]. (SER vol. 12, pp. 3006-3051.)”

Issues/Arguments Number 11, Appellant Answers:

Appellee et-al are confused and allege Powers claims are all alleged claims, yet Powers gives facts in affidavits-of-firsthand-knowledge and evidence. Powers doesn't just allege Assignment is void, Powers provides evidence as proof it is void; Foreclosing entity must be holder in due course, Trusts cannot lawfully hold title to property, Gavin Tsang the VP of BONYM confirms Trust doesn't own the property or had/has loan on it (exhibit "JJ" filed USDC 10-18); There is "taking of Powers property", Oct-2015 OC swat, without warrant and using excessive force, trespass, verified identity theft is in evidence and defective Title-Policy is well documented on the record (See reply to Appellee Commonwealth-Land-Title-Insurance-Company).

Whether Appellee et-al alleged-counsel recognize law or not don't they have a duty to uphold it and act under it? See Transcripts of July-30-2018 hearing at the end Powers gives evidence, reads her statement for the court regarding duty to follow laws. Appellee allege-counsel gives false narratives, twisting known facts into disinformation doesn't that go directly to intentional-extrinsic-fraud upon the court?

Witnesses will also give expert testimony validating Powers claims. Such as, an investment trust exists to sell stock or securities. A note can either be held as a separate asset or it is converted into stock certificate shares and subsequently sold, it cannot exist as both at the same time. Once it's converted (CONVERSION) and sold, it's impossible for that note to be whole again, by the very act and definition of conversion, the validity and enforceability of the note's destroyed, ceasing to be a secured asset or negotiable instrument tied to any collateral or debt obligation.

Typically, the note in these instances are destroyed and thereby under multiple rulings, IS NULLIFIED; District of Columbia v Cornell, 130 US 655, 32 L ed 1041, S. Ct. 694; State

9th Cir. Case No. 19-55013

Street Trust Co. V Muskogee Electric Traction Co. (CA 10 Okla) 204 F2d 920; Darland v Taylor, 52 Iowa 503, 3 NW 510 and the underlying evidence and legality of the debt obligation secured by the note is VOIDED, whether or not the obligation has been paid.

Issues/Arguments Number 12, Appellees Claims:

Pg. 13 paragraph 1, “The District Court noted that Appellant had filed her pleading pro se which was “very poorly written” and “not plead with the particularity that’s required.” (ER, Ex. “C”, pp. 8, 10, 11; Appellant’s Brief, pp. 5-6; SER, vol. 10, p. 2415, 2417).”

Issues/Arguments Number 12, Powers Answers:

The Appellees and Court routinely err in how they refer to Powers. This case isn't

brought forth as a Pro-Se litigant. Powers ascertains she stands as Pro-Per, the woman.

The Maxim of Law “In order to rightly comprehend a thing, it is necessary first to inquire into the names, for a right knowledge of things depends on their names.”

BILLIE RENE POWERS isn't Billie Rene' Frances Lillian Powers. The first

being a State created Creature, Corporation-Entity, not a true factual presentation of the state of being, in which Billie Rene' Frances Lillian Powers, the woman brought this case.

Powers reminds the court that Dailey attempted to remove this case by acknowledging

BILLIE RENE POWERS the entity is not the woman Billie Rene' Frances Lillian Powers. As a woman.

Powers shall be given leeway as the woman speaking common language, without special definitions, such as defined in Black Law's Dictionary, Appellant speaks with common definitions as defined in Webster's Dictionary of 1828.

Accusing Powers of a “poorly written” statement, the accusation may be a fraud in and of itself with respects to language. Fraud means; a knowing misrepresentation or knowing concealment of a material fact made to induce another to act to his or her detriment. Fraud is usually a tort, which is one of Appellants 33 claims, in some cases, (esp. when conduct is willful) it may be a crime.

9th Cir. Case No. 19-55013

John Willard, A Treatise on Equity Jurisprudence, 147 (Platt Potter, ed. 1879) “Fraud has been defined to be any kind of artifice by which another is deceived. Hence, all surprise, trick, cunning, dissembly, and other unfair way that is used to cheat anyone, is to be considered as fraud.”

The only *Corpus Delecti* in this matter, is Powers. Powers is the only one delivering first-hand knowledge and the only one with any “skin” in the game, as set forth in;

The First National Bank of Montgomery vs. Jerome Daly (The Credit River Decision). In this particular case it says “Regarding the power to delegate the control of our money supply to a private corporation can be found in 16 Am Jur 2d, Section 347, which states: “The rule has become fixed that the legislature may not delegate legislative functions to private persons or groups, or to private corporations or a group of private corporations.”

Issues/Arguments Number 13, Appellees Claims:

Pg. 13, paragraph 1, “The District Court recognized that Appellant had since retained counsel, and “stipulating to a Second Amended Complaint would save everyone time” and court resources.”

Issues/Arguments Number 13, Powers Answers:

Judge Carter advised/directed Powers to retain counsel, that advice brought more harm to Powers. Powers ineffective counsel was threatened with the loss of her license if she continued to “go against the banks” (see USDC dkt #218, #219, #230)

Issues/Arguments Number 14, Appellees Claims:

Pg. 13-Pg. 18 Sections M & N Steven Dailey goes on to claim that the USDC dismissed the Appellants 2nd & 3rd amended complaint citing “The District Court found Appellant “failed to substantively oppose any of Defendants’ arguments”.”

Issues/Arguments Number 14, Powers Answers:

Why is Powers being admonished when in fact she is the only one presenting affidavits-in-firsthand-knowledge. Powers has no lawful direction demanding any response to hearsay other than to demand it not be allowed and stricken from the record. Dailey/Appellee's alleged-counsel et-al have no firsthand knowledge presented and stand as both witness/counsel.

9th Cir. Case No. 19-55013

The Appellees alleged-counsel, and previous unlawful detainer court matters, haven't provided standing to foreclose. The evidence shows the said "original wet-ink signature note", with assignment attached doesn't exist. SPS admittedly have no genuine documents and BONYM VP Gavin Tsang states that BONYM doesn't own the property or had/have a loan on it, something jurors may find material for "compensation of damages" like Judge Carter? (See exhibits #23, #36, #44-46 filed USDC 8-11-17, "JJ" filed USDC10-18)

Issues/Arguments Number 15, Appellees Claims:

Pg. 18 Paragraph 2 "As to the **Breach of Contract claim**, the District Court found the Third Amended Complaint had "no allegations that Plaintiff performed its obligations under the DOT," nor allegations about "how MERS...breached its obligations." (SER, vol. 4, pp. 850-851.) The District Court stated any "amendment should include specific factual allegations about how the remaining Defendants breached its contract with Plaintiff and how Plaintiff performed." (SER, vol. 4, pp. 850-851.) On the **Unfair Competition Law claim**, the District Court found Appellant did "not allege any specific unlawful, unfair, or fraudulent conduct by Defendants." (SER, vol. 4, pp. 854-855.) Finally, on the **Conspiracy claim**, the District Court found "conspiracy" is not an independent tort, and Appellant did "not allege that any of the Defendants work in concert to deprive her of her rights." (SER, vol. 4, p. 855.) The Conspiracy claim also failed, as Appellant had "no remaining viable claims."

Issues/Arguments Number 15, Powers Answers:

Alleged-Certificate-Holders have no loss, SPS continues to pay. With respects to the **Breach of Contract Claim** by Powers; the Appellees allege that the Powers defaulted on an alleged loan of money or credit? While Dailey claims to represent BONYM, MERS, SPS, et al., no attorney on the record filing briefs, has provided proof of representation (See exhibit "RR", "QQ" filed USDC 10-18 Appellees et-al have no authority to negotiate).

Furthermore, Powers gives evidence in the civil-joinder-of-criminal actions and declaration of Powers in support of it (USDC June -22-18dkt #117) to the following;

*"Banking Associations from the very nature of their business are prohibited from lending credit." **St. Louis Savings Bank vs. Parmalee 95 U. S. 557.** "Banking corporations cannot lend credit. **First National Bank of Amarillo vs. Slaton Independent School District, Tex Civ App 1933, 58 SW 2d 870.** "Nowhere is the express authority granted to the corporation to lend its credit. **Gardilner Trust vs. Augusta Trust, 134 Me 191; 291 US245.** "A national bank has no authority to lend its credit. **Johnston vs. Charlottesville National Bank, C.C. Va. 1879, Fed Cas. 7425.***

9th Cir. Case No. 19-55013

According to Federal Reserve Appendix 3 to Operating Circular No. 10 a National Bank shall have in its possession the following forms pertaining to such “loan transactions”; 1) FORM OF LETTER OF AGREEMENT 2) SCHEDULE A TO LETTER of AGREEMENT 3) FORM OF AUTHORIZING RESOLUTIONS FOR BORROWERS pg. 1-2, 4) FORM OF OFFICIAL OC-10 AUTHORIZATION LIST.

Such documents would prove who “borrowers” are/were, as Powers never received such documents in her “alleged loan”. Since BofA and BONYM claim to be National Banks in the ordinary course of business transactions, these forms aren't an anomaly and would be documented evidence clarifying discrepancies between the parties, such as in respects to who the “borrower” is of credit or money?

With respects to Powers UCL (unfair competition law):

Article 1, section 10 of the U.S. Constitution, “No State shall enter into any Treaty, Alliance or Confederation; grant Letter of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

First National Bank of Montgomery vs. Jerome Daly. Regarding the power to delegate the control of our money supply to a private corporation can be found in;

16 Am Jur 2d, Section 347, which states: “The rule has become fixed that the legislature may not delegate legislative functions to private persons or groups, or to private corporations or a group of private corporations.”

Finally, Conspiracy Claim. Powers hands the court proof of conspiracy and RICO in this matter. Isn't it a conspiracy that no attorney on record for the Appellees et-al have proven representation? Isn't it a conspiracy depriving Powers of property rights when attorneys et-al have no negotiating authority?

Isn't it a conspiracy that in order to close an alleged-loan Title insurance is required, though the one required is defective, yet appellee et-al comingle their responses against Powers, as default guarantees are hidden for benefit of alleged-lenders/servicers who orchestrate the filing of

9th Cir. Case No. 19-55013

NOD's, coordinate trustee-sales with sharing of documents Powers claims are at best faulty and at worst fraud?

There's no default as SPS makes payments. Isn't it a conspiracy Powers previous counsel Swan is threatened with the loss of her BAR card if she continued to go against the Appellees?

Isn't it a conspiracy to deprive Powers the right to enjoy and receive just compensation, proof of a genuine contract for a Cell Tower Company that benefits from the use of Powers land without a valid contract and without condemnation of Powers property for "eminent domain" use, and Appellees may have conspired with them to remove Powers?

Isn't it a conspiracy Sheriffs trespass without warrants to Powers land claiming they're directed by the bank, realtors, cell-tower company, when Powers has criminal claims against those same alleged entities the Sheriffs claim to represent in their actions, ignoring broken laws and crimes against Powers?

Isn't it a conspiracy of domestic violence and insurrection under the ***U.S. Constitution Article IV Section 4*** "*The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.*"

Isn't it a conspiracy that Legislature & Executive powers under former President Woodrow Wilson allowed for the enactment of the Federal Reserve Act, which is unconstitutional?

Isn't it a conspiracy under the 1933 Bankruptcy Act, to pledge the American People and their property to international creditors?

Isn't it a conspiracy under the U.S. Constitution to deprive Powers the Republican form of Government, protecting Powers against invasion of Foreign Agents; BAR members? [FARA]

Issues/Arguments Number 16, Appellees Claims:

Pg. 21 section P. "Appellant states the authorities she relies upon are various "Maxims of Law", the Bible, the Magna Carta, "Land Rights," "the Whistle Blower Protection Act," "Financial Crimes Against Humanity," among many others. (Appellant's Brief, pp. 21-24).

9th Cir. Case No. 19-55013

It is virtually impossible to determine any cognizable issue presented for review, let alone one that has been supported with argument and authority.”

Issues/Arguments Number 16, Powers Answers:

Isn't it up to the jury to decide if Powers is presenting cognizable facts and evidence? Didn't Judge Carter himself admit to Powers having cognizable issues by finding her case compensable? (See Cease and Desists #33-38, #40-42 filed USDC 8-11-17)

Amendment X to the U.S. Constitution reads as follows; “*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*”

The Law's laid down, before government offices/agencies were created. The Law being the Declaration of Independence, The Magna Carta, The Bible are where Common Law stems from, as our nation's founded upon basis of the Christian religion, going to the annals of America. Shouldn't Powers depend on these? Is Dailey telling this court that these documents do not matter? Is Dailey spitting upon Powers regarding her beliefs in God and the Bible? When did religious beliefs and Law become the right of Attorneys to dictate or malign?

Powers cannot, will not, serve two masters, as **The Declaration of Independence** says; *in the first paragraph “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the cause which impel them to the separation.”*

Is the "opinion" of Dailey as alleged- counsel for SPS, BONYM and MERS against Powers religious and personal beliefs considered, at best, misconduct violating the Laws of Nature and of Nature's God entitles to Powers? It is to Powers.

Issues/Arguments Number 17, Appellees Claims:

Pg. 22 under Standard of Review Section, Appellees says “Failure to state a claim pursuant to Rule 12(b)(6) is reviewed de novo. See *Kahle v. Gonzales*, 487 F.3d 697, 699 (9th Cir. 2007); *Knievel v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005). Rule 8 of the Federal Rules of Civil Procedure provides that a pleading must contain “a short and plain statement of the claim

9th Cir. Case No. 19-55013

showing that the pleader is entitled to relief. Judicial error alone does not mandate reversal. The Court of Appeals will disregard district court “errors or defects which do not affect the substantial rights of the parties.” 28 U.S.C. § 2111; *Obrey v. Johnson*, 400 F.3d 691, 699 (9th Cir. 2005).”

Issues/Arguments Number 17, Powers Answers Claims:

Powers cites the Maxim of Law, “Where there is Right, there is a Remedy.” It's been ruled upon many times by the Superior Court that Statutes are not Law. Powers, as the woman brought forth this case, as the injured party, causes of Breach of Contract by alleged lenders, their representatives/assigns/other alleged National Banks acting with respects to MBS (mortgage backed securities). Securitization causes every other act void, by assignment.

In the U.S. Constitution Article 1 section 8 clause 14 says clearly “To make Rules for the Government and Regulation of the land and naval forces. Article 1 section 8 clause 18 “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” This further evidenced in Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E. Constitutionally, “a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed.” Tot v United States, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed.2d 1519 (1943). “A concurrent or ‘joint resolution’ of legislature is not “Law,” Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705, 707; Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165) “All codes, rules, and regulations are unconstitutional and lacking due process of Law..” Rodrigues v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985): ...lacking due process of law, in that they are ‘void for ambiguity’ in their failure to specify the statutes’ applicability to ‘natural persons,’ otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to “artificial or fictional corporate entities or ‘persons’, creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the ‘Natural Person’ or American citizen Immune from such jurisdiction of legalism.

Powers denies the assertions of the Appellees et-al that she abandoned any of her claims, due to Appellees assertions she didn't follow rules or meet the standards by which “officers” of the court are bound. Powers is one of the free People, a Californian. Powers stands by all thirty-

9th Cir. Case No. 19-55013

three original claims brought forth in the first complaint, following due process of law stating a lawful claim in Legislature for redress-of-her-grievances, by Petition-of-Remonstrance. Upon being denied by USDC, Powers inviolate-right to have this matter heard in trial before a jury of her peers wasn't only an err, but gross misconduct-liable-negligence; whereby third-party intervenors paperwork evidencing crimes were ordered destroyed, paperwork supporting Judge Carters request for proof of fraud.

This Appellate Court may look to a court officers actions in other cases to determine the extent of his or her good faith in a particular action. See Capital Indemnity Corp. v Jellinick, 75 F. App'x 999, 1002 (6th Cir. 2003), "further, the law holds a Plaintiff accountable for the acts and omissions of [it's] chosen counsel". Pioneer Inv. Services Co. v Brunswick Associates Ltd.Partnerships, 507 U.S. 380, 397 (1993).

Shall this court send referrals up to the DOJ regarding financial-crimes-against-humanity, as well as referrals of indictment to include the destruction of public records of third party intervenors/witnesses/victims who hold interest for criminal indictment referrals up to the DOJ?

Powers has suffered greatly: equity's stripped/pirated leaving Powers homeless-dispossessed of her estate?; stress from the alleged Trustee Sale caused Powers to suffer a stroke less than 3 weeks before she's violently removed from possession of Powers-family home, leaving Powers and young child homeless?; that Powers youngest son rescued her from suicide the day of the swat team eviction of their family ranch on September-21-2017?

What about the loss of income, health, credit, equity and shelter caused by the Appellees as Judge Carter says the case is compensable?; the legal abuse and slander created by the Appellee counsel?; that the BONYM says they do not own the home or have any loan on it?;

What about the comparisons Powers gives with her case and *McGinnis v. American Home Mortgage Servicing, Inc.*, No. 14-13404 (11th Cir. 2018) where after 4 years the Appeals court

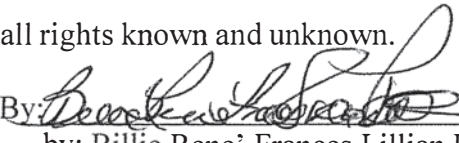
9th Cir. Case No. 19-55013

finally ruled in their favor seeing the excessive years of damages caused by the bank? [Powers evidences even more damages than that case.]

This Court should reverse the lower USDC orders, award Powers damages with treble damages in the amount of \$91,000,000.00 see seeks, granting possession of the real property back to the Powers family. Powers seeks the remedy afforded to her .

In the event Appellate Court deems it necessary to have further adjudication Powers moves the court to remand case back to USDC for trial by jury, an inviolate right of Petitioner/Appellant/Powers.

Appellant says nothing further, reserving all rights known and unknown.

By:  Date: 6-1-2020
by: Billie Rene' Frances Lillian Powers
Plaintiff/Appellant/Pro-Per
c/o P.O. Box 1501
Newport Beach, California [92659]

9th Cir. Case No. 19-55013

EXHIBITS/TRANSCRIPTS/AUDIO TAPES

Exhibits "A"-"XX"/Attached List pg. 1-9
filed by Powers into

USDC case #8:17-cv-01386-DOC-KES October 2018

Exhibits #1-#65 (list not attached) filed by Powers into
USDC case #8:17-cv-01386-DOC-KES with the initial claim on
August 11, 2017

CD of 216 Exhibits are in the records
USDC case #8:17-cv-01386-DOC-KES -

Audio tapes of USDC case #8:17-cv-01386-DOC-KES

"It is the responsibility accountability authority of the lower district court to
provide the Official Court Record in the form of the Official Audio Tape
Recording to the 9COA [**203 F.3d 440 (2000)**-SMITH-v-USDCO, Nos. 98-
1423,98-1548.**US 7COA**]"

Transcribed Records of Hearings ordered by Powers

USDC case #8:17-cv-01386-DOC-KES are on the records

material that is submitted as part of the complaint, or is necessarily relied upon by the complaint, as well as matters of public records. [Lee v City of L.A., 250 F.3d 668, 688-89 (9th Cir. 2001); see also Fernandez v. Wells Fargo Bank, N.A., 2012 WL 5350256, at *2 (N.D. Cal. Oct. 29, 2012) (taking judicial notice of similar documents)].

EXHIBIT**DOCUMENT****"A"**

Power of Attorney: Dated June 15, 2007. A true and correct copy is attached as Exhibit "A".

"B"

Deed of Trust recorded July 2, 2007 in Official Records, Orange County as Doc# 2007000417171
A true and correct copy is attached as Exhibit "B".

"C"

Proof of Publication Notarized 05/05/2015. A true and correct copy is attached as Exhibit "C".

"D"

Notice of Default (NOD) Rescission recorded July 13, 2015 in Official Records, Orange County as Doc # 2015000362976. A true and correct copy is attached as Exhibit "D".

"E"

Additional Escrow Instructions dated April 17, 2007.
A true and correct copy is attached as Exhibit "E".

"F"

Grant Deed recorded July 2, 2007 in Official Records, Orange County as Doc# 2007000417170. A true and correct copy is attached as Exhibit "F".

"G"

Notary Nancy Gaznon Affidavit. A true and correct copy is attached as Exhibit "G".

1 **"H"** Corporation Assignment of Deed of Trust recorded
2 October 26, 2010 in Official Records, Orange County as
3 Doc # 2010000564031. A true and correct copy is
4 attached as Exhibit "H".

5 **"I"** Proof of Claim re: Notary Bond of Jon Secrist. A true
6 and correct copy is attached as Exhibit "I".

7 **"J"** Merchants Bonding Company Notary Bond Insurance
8 Claim Letter Dated November 29,2012. A true
9 and correct copy is attached as Exhibit "J".

10 **"K"** Merchants Bonding Company Award Check dated
11 February 27, 2013. A true and correct copy is attached as
12 Exhibit "K".

13 **"L"** Substitution of Trustee recorded November 5, 2008 in
14 Official Records, Orange County as Doc
15 #2008000505648. A true and correct copy is attached as
16 Exhibit "L".

17 **"M"** Notice of Default and Election to Sell Under Deed of
18 Trust in Official Records May 19,2010, Orange County
19 as Doc # 2010000234975 . A true and correct copy is
20 attached as Exhibit "M".

21 **"N"** Corporation Assignment of Deed of Trust recorded in
22 Official Records, Orange County as Doc #
23 2010000564031. A true and correct copy is attached as
24 Exhibit "N".
25
26
27
28

1 **"O"** Communication Documents with IFIC re Ahmad Afzal
2 notary bond. A true and correct copy is attached as
3 Exhibit "O".

4 **"P"** Notice of Default recorded in Official Records, Orange
5 County as Doc #2014000390481. A true and correct copy
6 is attached as Exhibit "P".

7 **"Q"** Trustee's Deed Upon Sale in Official Records, Orange
8 County as Doc #2016000386939. A true and correct copy
9 is attached as Exhibit "Q".

10 **"R"** Stipulation Judgment Re Powers v Thomas Peppers
11 Filed February 15, 2012 in Official Records, Orange
12 County for case #30-2011-00519650. A true and correct
13 copy is attached as Exhibit "R".

14 **"S"** Closing Instructions, page one Dated June 27, 2007. A
15 true and correct copy is attached as Exhibit "S".

16 **"T"** Claim Acknowledgement Dated November 25, 2012. A
17 true and correct copy is attached as Exhibit "T".

18 **"U"** Title Insurance Policy dated July 18, 2007. A true and
19 correct copy is attached as Exhibit "U".

20 **"V"** Letter from Carol Keihn supporting Title Insurance
21 Claim. A true and correct copy is attached as Exhibit
22 "V".

23 **"W"** Letter from JoAnn Kennedy supporting Title Insurance
24 Claim. A true and correct copy is attached as Exhibit
25 "W".

26
27
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1 **"X"** Audit of Records and Affidavit of Truth Dated March 13,
2 2014. A true and correct copy is attached as Exhibit "X".

3 **"Y"** American Securit Insurance Company Insurance
4 Binder/Endorsement Changes A true and correct copy is
5 attached as Exhibit "Y".

6 **"Z"** F.A.C.T. Report Dated October 9, 2017. A true and
7 correct copy is attached as Exhibit "Z".

8 **"AA"** Affidavit of Valerie Lopez President of Nationwide
9 Posting and Publication, Inc. Dated May 29, 2018. A true
10 and correct copy is attached as Exhibit "AA".

11 **"BB"** Affidavit of Patrick Briggs President of Recontrust
12 Company Dated June 11, 2018. A true and correct copy
13 is attached as Exhibit "BB"

14 **"CC"** Cease and Desist Letter dated October 12, 2015. A true
15 and correct copy is attached as Exhibit "CC".

16 **"DD"** Notice of Settlement Negotiation Acceptance/Notice of
17 Undisputed File Settlement. Dated February 29, 2016. A
18 true and correct copy is attached as Exhibit "DD"

19
20
21 **"EE"** Notice of Escrow, for settlement of account dated March
22 22, 2016. A true and correct copy is attached as Exhibit
23 "EE"

24 **"FF"** Invoice dated March 21, 2016. A true and correct Copy is
25 attached as Exhibit "FF".

26 **"GG"** SPS Payoff Statement dated January 31, 2018. A true and
27 correct copy is attached as Exhibit "GG"

1 **"HH"**

SPS Annual Account Activity Statement dated February
2, 2018. A true and correct copy is attached as Exhibit
"HH".

4 **"II"**

Demand Letter for Bank of America to produce IRS
Form 8594/Asset Acquisition form date delivered
October 16, 2018

7 **"JJ"**

Vice President of Bank of New York Mellon Gavin
Tsang confirming BONYM as Trustee has no interest in
the property.

11 Dated: October 11, 2018

By: _____

Billie Rene' Frances Lillian Powers

Plaintiff Pro Per

the following documents. Plaintiff submits a court may take judicial notice of material that is submitted as part of the complaint, or is necessarily relied upon by the complaint, as well as matters of public records. [Lee v City of L.A., 250 F.3d 668, 688-89 (9th Cir. 2001); see also Fernandez v. Wells Fargo Bank, N.A., 2012 WL 5350256, at *2 (N.D. Cal. Oct. 29, 2012) (taking judicial notice of similar documents).

EXHIBIT

DOCUMENT

"KK"

AFFIDAVIT by Renee Wyler re: MERS mortgages on 40701 Ortega Highway, San Juan Capistrano, California 92675 shared with Cell Tower, Hell's Kitchen, Kristi's Country Store, Caspers Wilderness Park, The Starbucks, The 76 gas station...; connecting the Ortega Highway to the same MERS mortgages and MIN numbers. UNRECORDED in County of Orange Land Records to Plaintiffs home. re also: 411 4th street Santa Ana, MERS mortgages attached and shared with the Velvet Lounge and other local businesses and the street; Santa Ana High School MERS mortgages; Santa Ana Zoo. a true and correct copy is attached as exhibit "KK". fact #31-32 & Pages 5-23

"LL"

MERS Milestone showing transfer of servicing to non-MERS member in 2011, without assignment in county records. a true and correct copy is attached as exhibit "LL".

1 **"MM"** OC Planning Approval of improvements to Cell
2 Tower at 40701 [40703] Ortega Highway, San
3 Juan Capistrano, Calif. 92675 dated May 2018;
4 Email from Plaintiff to Gavin Tsang et al regarding
5 Cell Tower improvements on 40701 [40703] Ortega
6 Highway, San Juan Capistrano, California, 92675. A
7 true and correct copy is attached as exhibit "MM"

8 **"NN"** Affidavit of by Pam Zander, First National Document
9 Services LLC. a true and correct copy is attached as
10 exhibit "NN". REMIC and MERS suspended.

11 **"OO"** Page 1- S5 of CWALT 2007-HY9 Prospectus. Cutoff
12 Date for inclusion in REMIC July "1", 2007. a true
13 and correct copy is attached as exhibit "OO".

14 **"PP"** Plaintiffs Credit Report Page Showing acct
15 #17102****paid as agreed January 2009; SPS false
16 claim of another acct #277001300****. a true and
17 correct copy is attached as exhibit "PP".

18 **"QQ"** Dave McCrae, ADA notes regarding Meet and Confer
19 Plaintiff and Stephen Britt. a true and correct copy is
20 attached as exhibit "QQ".

21 **"RR"** Dave McCrae, ADA notes regarding Meet and Confer
22 Plaintiff and Steven Dailey. a true and correct copy is
23 attached as exhibit "RR".

24 **"SS"** BofA AS-400 Report Information internal does not
25 match purported contract dates. A true and correct
26 copy is attached as exhibit "SS".
27
28

1 **"TT"** **Mortgage Electronic Registration Systems, Inc.**
2 **Trademark and Security Agreement. a true and**
3 **correct copy is attached as exhibit "TT".**
4 **"UU"** **Property Tax Bill dated July1, 2016- June 30, 2017**
5 **naming Powers, Billie Rene' Frances Lillian as owner**
6 **of record, mailed to her September 23, 2016. 1 month**
7 **and 15 days following alleged Credit Bid on August 8,**
8 **2016. Assessed value about \$984,000. A true and**
9 **correct copy is attached as Exhibit "UU"**
10 **"VV"** **Amended and Restated Certificate of Incorporation**
11 **of BankAmerica Corporation, originally NationsBank**
12 **Corporation, trademark and security holder of**
13 **MERS. A true and correct copy is attached as Exhibit**
14 **"VV".**
15 **"WW"** **Serological Royalty Mark conveyed to Bank Of**
16 **America, N.A.; applicable to calves and cows, human**
17 **genes, and life insurance – CHATTEL. (chattel**
18 **mortgages). A true and correct copy is attached as**
19 **Exhibit "WW".**
20 **"XX"** **NationsBank Merger changing name to Bank of**
21 **America. A true and correct copy is attached as**
22 **Exhibit "XX".**
23
24

25 Dated: October 31, 2018

By: _____

Billie Rene' Frances Lillian Powers

Plaintiff Pro Per

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT FOR PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

Re: 9th Cir. Case # 19-55013 and Federal Case # 8:17-cv-01386-DOC-KES

Billie Rene' Frances Lillian Powers v. THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY9, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HY9; SELECT PORTFOLIO SERVICING, INC.; BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; COMMONWEALTH LAND TITLE COMPANY; JON SECRIST; NICHOLE CLAVADETSCHER; THOMAS PEPPERS; and DOES 1 to 10, inclusive,

I am employed and/or live in the aforesaid County; I am over the age of 18 years and not a party to the above-titled action:

On 6-1-2020 i served the documents, Appellants: **Appellant's Informal Reply Brief-To THE BANK OF NEW YORK MELLON AS TRUSTEE...; SELECT PORTFOLIO SERVICES, INC; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS** and supporting documents to all defendants named herein separately:

Steven M. Dailey and Rebecca L. Wilson
Kutak Rock, LLP
5 Park Plaza, Suite 1500
Irvine, CA 92614-8595

Attorneys for The Bank of New York Mellon F/K/A the Bank of New York, as Trustee, on Behalf of the Holders of the Alternative Loan Trust 2007-HY9, Mortgage Pass-Through Certificates Series 2007-HY9; Select Portfolio Servicing, Inc.; and, Mortgage Electronic Registration Systems, Inc.

[X] (By Mail) I caused each such envelope, with postage therein fully pre-paid, to be placed in the United States mail in Costa Mesa, California.

[X] (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on 6-1-2020, at Costa Mesa, California


John Cleveland

9th Cir. Case No. 19-55013

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Billie Rene' Frances Lillian Powers

Plaintiff-Appellant- Pro Per

Vs.

THE BANK OF NEW YORK MELLON,
F/K/A THE BANK OF NEW YORK,
AS TRUSTEE, ON BEHALF OF THE
HOLDERS OF THE ALTERNATIVE
LOAN TRUST 2007-HY9, MORTGAGE
PASS-THROUGH CERTIFICATES
SERIES 2007-HY9; et al.,

Defendant- Appellee(s).

9th Cir. Case No. 19-55013

District Ct No.
8:17-cv-01386-DOC-KES

RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUN 03 2020

FILED
DATE INITIAL

**Appellant's Form 8. Certificate of Compliance for Briefs.
Certificate for: Informal Reply Brief-To
THE BANK OF NEW YORK MELLON AS TRUSTEE...; SELECT
PORTFOLIO SERVICES, INC; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS**

Appellant/Pro-Per, Billie Rene' Frances Lillian Powers (known herein as "Powers"), over-
nighted her informal reply brief without sending the form 8 herein attached. Please accept
Powers apologies for the err. Thank you

by:  date 6-1-2020
by: Billie Rene' Frances Lillian Powers

Appellant/Plaintiff/Pro-Per
P.O. Box 1501
Newport Beach, California 92659

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 8. Certificate of Compliance for Briefs

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form08instructions.pdf>

9th Cir. Case Number(s) 19-55013

I am the attorney or self-represented party.

This brief contains 6992 words, excluding the items exempted by Fed. R. App. P. 32(f). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and (6).

I certify that this brief (*select only one*):

☐ complies with the word limit of Cir. R. 32-1.

☐ is a **cross-appeal** brief and complies with the word limit of Cir. R. 28.1-1.

☐ is an **amicus** brief and complies with the word limit of Fed. R. App. P. 29(a)(5), Cir. R. 29-2(c)(2), or Cir. R. 29-2(c)(3).

☐ is for a **death penalty** case and complies with the word limit of Cir. R. 32-4.

☐ complies with the longer length limit permitted by Cir. R. 32-2(b) because (*select only one*):

☐ it is a joint brief submitted by separately represented parties;

☐ a party or parties are filing a single brief in response to multiple briefs; or

☐ a party or parties are filing a single brief in response to a longer joint brief.

☐ complies with the length limit designated by court order dated _____.

☐ is accompanied by a motion to file a longer brief pursuant to Cir. R. 32-2(a).

Signature _____ Date _____
(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

REQUEST FOR JUDICIAL NOTICE
EXHIBIT 4

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 19-55013
Nature of Suit: 3190 Other Contract Actions
 Billie Rene Powers v. The Bank of New York Mellon, et al
Appeal From: U.S. District Court for Central California, Santa Ana
Fee Status: Paid

Docketed: 01/04/2019
Termed: 07/22/2020

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0973-8 : [8:17-cv-01386-DOC-KES](#)
Court Reporter: Debbie Gale, Official Court Reporter
Trial Judge: David O. Carter, District Judge
Date Filed: 08/11/2017
Date Order/Judgment: 11/26/2018

Date Order/Judgment EOD:
 11/26/2018

Date NOA Filed:
 12/27/2018

Date Rec'd COA:
 12/28/2018

Prior Cases:

None

Current Cases:

None

BILLIE RENE FRANCES LILLIAN POWERS
 Plaintiff - Appellant,

Billie Rene Frances Lillian Powers
 Direct: 949-374-4052
 [NTC Pro Se]
 National Committee
 P.O. Box 1501
 Newport Beach, CA 92659

LORIE-ANN COLE
 Intervenor - Pending,

Lorie-Ann Cole
 [NTC Pro Se]
 National Committee
 P.O. Box 1501
 Newport Beach, CA 92659

VALERIE-LYNN NAIF
 Intervenor - Pending,

Valerie-Lynn Naif
 [NTC Pro Se]
 National Committee
 P.O. Box 1501
 Newport Beach, CA 92659

ANNETTE RENEE WYLER
 Intervenor - Pending,

Annette Renee Wyler
 [NTC Pro Se]
 POB 852
 Leland, MI 49654

v.

THE BANK OF NEW YORK MELLON, as Trustee, on behalf of the
 holders of the alternative Loan Trust 2007-HY9 Mortgage Pass
 Through Certificates Series 2007-HY9, FKA Bank of New York
 Defendant - Appellee,

Steven M. Dailey, Esquire, Attorney
 Direct: 949-417-0999
 [COR LD NTC Retained]
 Kutak Rock LLP
 5 Park Plaza
 Suite 1500
 Irvine, CA 92614-8595

Rebecca L. Wilson, Esquire, Attorney
 Direct: 949-417-0999
 [COR LD NTC Retained]
 Kutak Rock LLP
 5 Park Plaza
 Suite 1500

	Irvine, CA 92614-8595
SELECT PORTFOLIO SERVICING, INC. Defendant - Appellee,	Steven M. Dailey, Esquire, Attorney Direct: 949-417-0999 [COR LD NTC Retained] (see above)
	Rebecca L. Wilson, Esquire, Attorney Direct: 949-417-0999 [COR LD NTC Retained] (see above)
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. Defendant - Appellee,	Steven M. Dailey, Esquire, Attorney Direct: 949-417-0999 [COR LD NTC Retained] (see above)
	Rebecca L. Wilson, Esquire, Attorney Direct: 949-417-0999 [COR LD NTC Retained] (see above)
JON SECRIST Defendant - Appellee,	Kerry W. Franich [COR LD NTC Retained] Severson & Werson, APC 19100 Von Karman Avenue Suite 700 Irvine, CA 92612
	Robert James Gandy, Attorney [COR LD NTC Retained] Severson & Werson, APC 19100 Von Karman Avenue Suite 700 Irvine, CA 92612
	Jan T. Chilton, Attorney [COR NTC Retained] Severson & Werson APC One Embarcadero Center San Francisco, CA 94111
NICHOLE CLAVADETSCHER Defendant - Appellee,	Kerry W. Franich [COR LD NTC Retained] (see above)
	Robert James Gandy, Attorney [COR LD NTC Retained] (see above)
	Jan T. Chilton, Attorney [COR NTC Retained] (see above)
COMMONWEALTH LAND TITLE COMPANY Defendant - Appellee,	Kevin S. Sinclair Direct: 213-429-6111 [LD NTC Retained] Sinclair Braun LLP 16501 Ventura Boulevard Suite 400 Encino, CA 91436
BANK OF AMERICA, NA Defendant - Appellee,	Robert James Gandy, Attorney [COR LD NTC Retained] (see above)
	Jan T. Chilton, Attorney [COR NTC Retained] (see above)

Kerry W. Franich
[COR NTC Retained]
(see above)

DOES, 1-10

Defendant - Appellee,

BILLIE RENE FRANCES LILLIAN POWERS,

Plaintiff - Appellant,

















LORIE-ANN COLE; VALERIE-LYNN NAIF; ANNETTE RENEE WYLER,

Intervenors - Pending,


















v.
















THE BANK OF NEW YORK MELLON, as Trustee, on behalf of the holders of the alternative Loan Trust 2007-HY9 Mortgage Pass Through Certificates Series 2007-HY9, FKA Bank of New York; SELECT PORTFOLIO SERVICING, INC.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; JON SECRIST; NICHOLE CLAVADETSCHER; COMMONWEALTH LAND TITLE COMPANY; BANK OF AMERICA, NA; DOES, 1-10,

Defendants - Appellees.

01/04/2019	 1 25 pg, 703.7 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND MQ: No. The schedule is set as follows: Transcript ordered by 01/28/2019. Transcript due 02/25/2019. Appellant Billie Rene Frances Lillian Powers opening brief due 04/08/2019. Appellees Bank of America, N.A., Nichole Clavadetscher, Commonwealth Land Title Company, Does, Mortgage Electronic Registration Systems, Inc., Jon Secrist, Select Portfolio Servicing, Inc. and The Bank of New York Mellon answering brief due 05/08/2019. Appellant's optional reply brief is due 21 days after service of the answering brief. [11141805] (RT) [Entered: 01/04/2019 12:38 PM]
01/07/2019	 2	Filed (ECF) notice of appearance of Kerry W. Franich for Appellees Bank of America, N.A., Jon Secrist and Nichole Clavadetscher. Date of service: 01/07/2019. (Party previously proceeding without counsel: No) [11143207] [19-55013] (Franich, Kerry) [Entered: 01/07/2019 11:07 AM]
01/07/2019	 3	Filed (ECF) notice of appearance of Jan T. Chilton for Appellees Bank of America, N.A., Nichole Clavadetscher and Jon Secrist. Date of service: 01/07/2019. (Party previously proceeding without counsel: No) [11143210] [19-55013] (Chilton, Jan) [Entered: 01/07/2019 11:09 AM]
01/07/2019	 4	Added attorney Jan T. Chilton, Kerry W. Franich for Bank of America, N.A., in case 19-55013. [11143320] (CW) [Entered: 01/07/2019 11:44 AM]
01/08/2019	 5 10 pg, 372.36 KB	Filed clerk order (Deputy Clerk: CKP): Order to show cause docket fee due [11145289] (CKP) [Entered: 01/08/2019 12:24 PM]
01/18/2019	 6	Received notification from District Court re: payment of docket fee. Amount Paid: USD 505.00. Date paid: 01/18/2019. [11158947] (BY) [Entered: 01/18/2019 11:29 AM]
03/22/2019	 7	STRICKEN PER ORDER [23] . Filed non-parties Valerie-Lynn Naif and Lorie-Ann Cole, letter dated 03/18/2019 re: Interested parties criminal joinder. Paper filing deficiency: None. [11240529] --[COURT UPDATE: To edit docket to reflect correct party filers; resent NDA - 06/19/2019 by HH] (CW) [Entered: 03/25/2019 10:38 AM]
04/01/2019	 8	STRICKEN PER ORDER [23] . Filed letter dated 03/25/2019 re: non party Tom Kibler letter in support of appellant --"letter of support and demand for justice for all". Paper filing deficiency: None.[11251337] (CW) [Entered: 04/03/2019 10:25 AM]
04/04/2019	 9 1 pg, 28.87 KB	Streamlined request by Appellant Billie Rene Frances Lillian Powers to extend time to file the brief is approved. Amended briefing schedule: Appellant Billie Rene Frances Lillian Powers opening brief due 05/08/2019. Appellees Bank of America, N.A., Nichole Clavadetscher, Commonwealth Land Title Company, Does, Mortgage Electronic Registration Systems, Inc., Jon Secrist, Select Portfolio Servicing, Inc. and The Bank of New York Mellon answering brief due 06/07/2019. The optional reply brief is due 21 days from the date of service of the answering brief. [11253717] (DLM) [Entered: 04/04/2019 04:39 PM]
05/08/2019	 10 4 pg, 101.2 KB	Filed Appellant Billie Rene Frances Lillian Powers motion to extend time to file appellant opening brief until 11/08/2019. Deficiencies: None. Served on 05/06/2019. [11291087] (CW) [Entered: 05/08/2019 03:01 PM]
05/08/2019	 11	STRICKEN PER ORDER [23] . Filed letter dated 05/03/2019 re: non party Warner Eugene George misc statements regarding corruption.. Paper filing deficiency: None. [11291093] (CW) [Entered: 05/08/2019 03:05 PM]
05/09/2019	 12 1 pg, 87.7 KB	Filed clerk order (Deputy Clerk: SM): Granting Unopposed Motion [10] to extend time to file appellant brief filed by Appellant Billie Rene Frances Lillian Powers. Appellant Billie Rene Frances Lillian Powers opening brief due 11/08/2019. Appellees Bank of America, N.A., Nichole Clavadetscher, Commonwealth Land Title Company, Does, Mortgage Electronic Registration Systems, Inc., Jon Secrist, Select Portfolio Servicing, Inc. and The Bank of New York Mellon answering brief due 12/09/2019. The optional reply brief is due 21 days after service of the answering brief. [11292379] (SAM) [Entered: 05/09/2019 02:11 PM]
05/14/2019	 13	STRICKEN PER ORDER [23] . Filed non-party Rita R. Franklin letter dated 05/07/2019 re: "letter of support and demand for justice for all". Paper filing deficiency: None. [11297967] (QDL) [Entered: 05/15/2019 09:49 AM]
06/19/2019	 14 1 pg, 97.99 KB	Filed clerk order (Deputy Clerk: LAB): The non-party filings at Docket Entry Nos. [7], [8], [11] and [13] are referred to the panel assigned to decide the merits of this appeal for whatever consideration the panel deems appropriate. The previously established briefing schedule remains in effect. [11337626] (AF) [Entered: 06/19/2019 02:41 PM]
09/09/2019	 15	STRICKEN PER ORDER [23] . Filed letter signed by a non party Charlie Rice, Jr. dated 09/04/2019 re: The Unrebutted affidavit of Charlie Rice Jr. Stands As Truth. Paper filing deficiency: None.[11426377] (CW) [Entered: 09/10/2019 09:58 AM]
09/10/2019	 16	STRICKEN PER ORDER [23] . Filed letter dated re: proof of service of dkt #15. NAN. Paper filing deficiency: None.[11427722] (CW) [Entered: 09/11/2019 08:23 AM]

10/23/2019	■ 17	STRICKEN PER ORDER [23] . Filed UNDER SEAL non-party Eugene George Warner's letter dated 09/18/2019 re: 911 Writ of Qui Tam, supplemental obstruction of justice evidence of unlawful witness and evidence tampering. Paper filing deficiency: no certificate of service. [11476912] (LA) [Entered: 10/24/2019 03:03 PM]
11/05/2019	■ 18	STRICKER PER ORDER [23] . Filed letter dated 10/29/2019 re: non-party letter - whistleblower - party of interest. Paper filing deficiency: None. [11491900] (CW) [Entered: 11/07/2019 07:17 AM]
11/12/2019	■ 19 58 pg, 1.11 MB	COURT UPDATE: Filed original and 0 copies of Billie Rene Frances Lillian Powers (Informal: Yes) opening brief of 25 pages. 1 copy of excerpts of record in 1 volume. Served on 11/02/2019. Filed with minor deficiency: no signature. Notified appellant. [11496879]--[Edited 11/18/2019 by LA: Deficiency satisfaction of signed brief's signature page received on 11/15/2019.] (LA) [Entered: 11/12/2019 06:20 PM]
11/12/2019	■ 20 1 pg, 201.88 KB	Received 1 CD containing Exhibit "D" from Appellant Billie Rene Frances Lillian Powers. Deficiencies: motion to transmit a physical exhibit is required. Notified Appellant (see attached notice). [11496882] (LA) [Entered: 11/12/2019 06:29 PM]
11/19/2019	■ 21	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees MERS, Select Portfolio Servicing, Inc. and The Bank of New York Mellon. New requested due date is 01/08/2020. [11503473] [19-55013] (Dailey, Steven) [Entered: 11/19/2019 09:24 AM]
11/19/2019	■ 22	Streamlined request [21] by Appellees MERS, Select Portfolio Servicing, Inc. and The Bank of New York Mellon to extend time to file the brief is approved FOR ALL APPELLEES. Amended briefing schedule: Appellees Bank of America, NA, Does, Nichole Clavadetscher, Commonwealth Land Title Company, Mortgage Electronic Registration Systems, Inc., Jon Secrist, Select Portfolio Servicing, Inc. and The Bank of New York Mellon answering brief due 01/08/2020. The optional reply brief is due 21 days from the date of service of the answering brief. [11504471] (DLM) [Entered: 11/19/2019 03:45 PM]
11/22/2019	■ 23 1 pg, 97.32 KB	Filed order (JAY S. BYBEE and SANDRA S. IKUTA): The June 19, 2019 order is vacated. The Clerk shall strike the non-party filings at Docket Entry Nos. [7], [8], [11], [13], [15], [16], [17], and [18]. The Clerk shall not file any further non-party submissions in this case. No motions for reconsideration, clarification, or modification of this order shall be filed or entertained. The opening brief has been filed. The answering brief remains due January 8, 2020. The optional reply brief remains due within 21 days after service of the answering brief. [11508578] (AF) [Entered: 11/22/2019 10:20 AM]
12/09/2019	■ 24 144 pg, 3.46 MB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 12/03/2019 re: misc documents in support of appeal. Paper filing deficiency: None. [11527053] (CW) [Entered: 12/10/2019 11:17 AM]
12/23/2019	■ 25 21 pg, 291.92 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellees Bank of America, NA, Nichole Clavadetscher and Jon Secrist. Date of service: 12/23/2019. [11541823] [19-55013] (Franich, Kerry) [Entered: 12/23/2019 11:13 AM]
12/23/2019	■ 26 335 pg, 88.9 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees Bank of America, NA, Nichole Clavadetscher and Jon Secrist. Date of service: 12/23/2019. [11541839] [19-55013] (Franich, Kerry) [Entered: 12/23/2019 11:18 AM]
12/24/2019	■ 27 2 pg, 94.82 KB	Filed clerk order: The answering brief [25] submitted by Bank of America, NA, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The supplemental excerpts of record [26] submitted by Bank of America, NA, et al. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11543783] (LA) [Entered: 12/24/2019 04:23 PM]
12/24/2019	■ 28	Added Attorney(s) Jan T. Chilton and Kerry W. Franich for party(s) Appellees Jon Secrist and Nichole Clavadetscher in case 19-55013 (per notices of appearance filed 01/07/2019). [11543784] (LA) [Entered: 12/24/2019 04:27 PM]
12/30/2019	■ 29	Received 4 paper copies of supplemental excerpts of record [26] in 2 volume(s) filed by Appellee Bank of America, NA, et al. [11547020] (LA) [Entered: 12/30/2019 03:22 PM]
12/30/2019	■ 30	Received 6 paper copies of Answering Brief [25] filed by Bank of America, NA., et al. [11547241] (SD) [Entered: 12/30/2019 04:50 PM]
01/07/2020	■ 31	STRICKEN PER ORDER [44] . Submitted (ECF) Answering Brief for review. Submitted by Appellee Commonwealth Land Title Company. Date of service: 01/07/2020. [11554110] [19-55013] (Sinclair, Kevin) [Entered: 01/07/2020 04:27 PM]
01/07/2020	■ 32 236 pg, 7.94 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Commonwealth Land Title Company. Date of service: 01/07/2020. [11554131] [19-55013] (Sinclair, Kevin) [Entered: 01/07/2020 04:38 PM]

01/08/2020	 33 2 pg, 95.12 KB	Filed clerk order: The answering brief [31] submitted by Commonwealth Land Title Company is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The supplemental excerpts of record [32] submitted by Commonwealth Land Title Company are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11555016] (LA) [Entered: 01/08/2020 11:44 AM]
01/08/2020	 34 55 pg, 442.99 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellees MERS, Select Portfolio Servicing, Inc. and The Bank of New York Mellon. Date of service: 01/08/2020. [11555708] [19-55013] (Dailey, Steven) [Entered: 01/08/2020 06:21 PM]
01/08/2020	 35 3173 pg, 302.8 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellees MERS, Select Portfolio Servicing, Inc. and The Bank of New York Mellon. Date of service: 01/08/2020. [11555709] [19-55013] (Dailey, Steven) [Entered: 01/08/2020 06:34 PM]
01/09/2020	 36 2 pg, 95.11 KB	Filed clerk order: The answering brief [34] submitted by The Bank of New York Mellon, et al. is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The supplemental excerpts of record [35] submitted by The Bank of New York Mellon, et al. are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11556261] (LA) [Entered: 01/09/2020 10:45 AM]
01/09/2020	 40	Entered appearance of Intervenor - Pending Lorie-Ann Cole and Valerie-Lynn Naif. [11562845] (CW) [Entered: 01/15/2020 09:26 AM]
01/09/2020	 41 91 pg, 3.58 MB	Filed Intervenor - Pending Lorie-Ann Cole and Valerie-Lynn Naif motion to intervene. Deficiencies: None. Served on 01/07/2020. [11562850] (CW) [Entered: 01/15/2020 09:28 AM]
01/13/2020	 37	Received 6 paper copies of Answering Brief [31] filed by Commonwealth Land Title Company. [11559523] (SD) [Entered: 01/13/2020 11:14 AM]
01/14/2020	 38 5 pg, 23.04 KB	Filed (ECF) Appellee Commonwealth Land Title Company Motion to file substitute or corrected brief. Date of service: 01/14/2020. [11561465] [19-55013]--[COURT UPDATE: Removed brief (resubmitted in correct entry [39]). 01/14/2020 by LA] (Sinclair, Kevin) [Entered: 01/14/2020 10:59 AM]
01/14/2020	 39 40 pg, 153.52 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellee Commonwealth Land Title Company. Date of service: 01/14/2020. [11562452] [19-55013] (Sinclair, Kevin) [Entered: 01/14/2020 04:31 PM]
01/15/2020	 42	Received 6 paper copies of Answering Brief [34] filed by The Bank of New York Mellon, et al. [11563629] (SD) [Entered: 01/15/2020 02:15 PM]
01/15/2020	 43	Received 3 paper copies of supplemental excerpts of record [35] in 12 volume(s) filed by Appellees The Bank of New York Mellon, et al. [11563989] (LA) [Entered: 01/15/2020 04:07 PM]
01/15/2020	 44 2 pg, 102.64 KB	Filed clerk order (Deputy Clerk: NA): Intervenor's motion to intervene (Docket Entry No. [41]) is referred to the panel that will consider the merits of this appeal. Appellee Commonwealth Land Title Company's motion to file a substitute answering brief (Docket Entry No. [38]) is granted. The Clerk will strike the answering brief submitted at Docket Entry No. [31]. The Clerk will file the answering brief submitted at Docket Entry No. [39]. [11564034] (AF) [Entered: 01/15/2020 04:20 PM]
01/15/2020	 45 2 pg, 95.19 KB	Filed clerk order: The corrected answering brief [39] submitted by Commonwealth Land Title Company is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be submitted to the principal office of the Clerk. [11564111] (LA) [Entered: 01/15/2020 05:00 PM]
01/15/2020	 46	Received 6 paper copies of the Corrected Answering Brief [39] filed by Commonwealth Land Title Company. [11564120] (SD) [Entered: 01/15/2020 05:06 PM]
01/17/2020	 47 31 pg, 302.82 KB	Filed original and 2 copies of Appellant Billie Rene Frances Lillian Powers (Informal: Yes) reply brief of 25 pages. Served on 01/13/2020. [11568562] (KT) [Entered: 01/21/2020 02:11 PM]
01/31/2020	 48 5 pg, 533.48 KB	Filed Appellant Billie Rene Frances Lillian Powers motion to extend time to file reply brief until 04/02/2020. Deficiencies: reply brief was filed 1/17/20. Served on 01/29/2020. [11581914] (CW) [Entered: 02/03/2020 07:49 AM]
02/05/2020	 49 2 pg, 102.96 KB	Filed clerk order (Deputy Clerk: NA): Appellant's motion for an extension of time to file the reply brief (Docket Entry No. [48]) is construed as a motion for an extension of time to file a replacement reply brief. So construed, the motion is granted. The replacement reply brief is due by April 2, 2020. The Clerk will strike the reply brief at Docket Entry No. [47] upon appellant's submission of a replacement reply brief. [11586226] (AF) [Entered: 02/05/2020 11:07 AM]

02/24/2020	 50	STRICKEN PER ORDER [23] . Filed Appellant Billie Rene Frances Lillian Powers letters (3) dated 02/21/2020 re: notice of petition for remonstrance. Paper filing deficiency: None. [11606902] (CW) [Entered: 02/24/2020 02:28 PM]
02/24/2020	 51 8 pg, 106.16 KB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 02/18/2020 re: notice of incorrect construed intentions of apt by the court. Paper filing deficiency: None. [11606982] (CW) [Entered: 02/24/2020 02:51 PM]
02/24/2020	 52	STRICKEN PER ORDER [23] . Received Appellant Billie Rene Frances Lillian Powers notice regarding petition of remonstrance. [11607945] (NAC) [Entered: 02/25/2020 10:41 AM]
04/02/2020	 54 6 pg, 378 KB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 04/02/2020 re: COVID-19 extension of time. Paper filing deficiency: None. [11709891] (LA) [Entered: 06/03/2020 01:34 PM]
06/03/2020	 53 3 pg, 42.19 KB	Filed Appellant Billie Rene Frances Lillian Powers motion for default judgment against aple for failure to respond. Deficiencies: None. Served on 06/01/2020. [11709579] (CW) [Entered: 06/03/2020 11:17 AM]
06/03/2020	 55 7 pg, 426.56 KB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 06/01/2020 re: Appellant's Reminder of Request for Extension to Reply. Paper filing deficiency: None. [11709892] (LA) [Entered: 06/03/2020 01:36 PM]
06/03/2020	 56 40 pg, 2.01 MB	Filed original and 2 copies of Appellant Billie Rene Frances Lillian Powers 2nd reply brief (to brief by Commonwealth Land Title Company) of 28 pages (Informal: Yes). Served on 06/01/2020. Filed with minor deficiency: not accompanied by motion to file multiple reply briefs. [11709897] (LA) [Entered: 06/03/2020 01:39 PM]
06/03/2020	 57 33 pg, 1.66 MB	Filed original and 2 copies of Appellant Billie Rene Frances Lillian Powers 3rd reply brief (to brief by Bank of New York Mellon, et al.) of 21 pages (Informal: Yes). Served on 06/01/2020. Filed with minor deficiency: not accompanied by motion to file multiple reply briefs. [11709898] (LA) [Entered: 06/03/2020 01:41 PM]
06/23/2020	 58 2 pg, 26.44 KB	Filed Appellant Billie Rene Frances Lillian Powers motion to file multiple reply briefs. Deficiencies: None. Served on 06/19/2020. [11730593] (CW) [Entered: 06/23/2020 11:36 AM]
06/23/2020	 59 2 pg, 26.33 KB	Filed Appellant Billie Rene Frances Lillian Powers motion mtn to file multiple reply briefs re Bank of Mellon et al. Deficiencies: None. Served on 06/19/2020. [11730599] (CW) [Entered: 06/23/2020 11:39 AM]
06/29/2020	 60 5 pg, 53.93 KB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 06/23/2020 re: APPELLANTS PROPOSED NOTICE OF PENDENCY OF ACTION. Paper filing deficiency: None. [11737359] (CW) [Entered: 06/29/2020 06:45 PM]
06/29/2020	 63 5 pg, 385.16 KB	Received 1 USB from Intervenor - Pending Annette Renee Wyler paper containing exhibits. Deficiency: motion to transmit physical exhibits required. Corrections required (see attached notice). [11738335] (KWG) [Entered: 06/30/2020 01:22 PM]
06/30/2020	 61	Entered appearance of Intervenor - Pending Annette Renee Wyler. [11737803] (CW) [Entered: 06/30/2020 09:58 AM]
06/30/2020	 62 8 pg, 225.66 KB	Filed Intervenor - Pending Annette Renee Wyler motion to intervene. Deficiencies: None. Served on 06/24/2020. [11737806] (CW) [Entered: 06/30/2020 09:59 AM]
07/22/2020	 64 6 pg, 267.88 KB	FILED MEMORANDUM DISPOSITION (DIARMUID F. O'SCANNLAIN, STEPHEN S. TROTT and N. RANDY SMITH)The Motions for Third Party Intervention, filed with this court on January 9, 2020 (Docket Entry No. [41]) and June 30, 2020 (Docket Entry No. [62]) are DENIED. Powers's Motion for Default of Appellee Thomas Peppers for Failure to Respond, filed with this court on June 3, 2020 (Docket Entry No. [53]), is DENIED. Her Motions to File Multiple Reply Briefs, filed with this court on June 23, 2020 (Docket Entry Nos. [58] and [59]), are DENIED. AFFIRMED. FILED AND ENTERED JUDGMENT. [11761740] (AKM) [Entered: 07/22/2020 10:20 AM]
08/13/2020	 65 2 pg, 94.55 KB	MANDATE ISSUED.(DFO, SST and NRS) [11787317] (CW) [Entered: 08/13/2020 07:13 AM]
10/23/2020	 66 118 pg, 2.79 MB	Filed Appellant Billie Rene Frances Lillian Powers letter dated 10/20/2020 re: courtesy copy of amici brief and declaration. Paper filing deficiency: case closed, mandate issued. FYI PANEL. [11871969] (CW) [Entered: 10/26/2020 03:05 PM]

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