**04-486 LAPIDES V. USDC FOR THE DISTRICT OF MARYLAND**

QUESTIONS PRESENTED

1. Rule 1 of the Federal Rules of Civil Procedure states that all suits of a civil nature shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. Three important motions remain unanswered or ignored, namely, a Motion for United States Bankruptcy Judge James F. Schneider to recuse himself, which was filed 392 days ago, a Motion for Relief from Judgment or Order under Rule 60 (b) remains unanswered for 252 days, and an Appeal to the Denial of the Motion for a Judge Other Than James F. Schneider to Review Rule 60 (b) remains unanswered for 197 days. Is this contrary to the scope and purpose of Rule Number 1?

2. Rule 6 requires that a reasonable extension for filing of an appeal be favorably considered for excusable neglect, which would include disability, illness of counsel, and unusual delay in the mails. *Pro se* Petitioner, is suffering from pancreatic cancer, and on July 3, 2003, was unable to perform normal bodily functions, along with the normal effects of pancreatic cancer, and did not receive Judge James F. Schneider's improperly addressed June 13, 2003 Memorandum [which was issued 834 days after the hearing contrary to Rule 1 above] until July 3, 2003 and was denied an extension to appeal. Is this excusable neglect?

3. Rule 7 requires that there shall be a complaint and an answer. If the "speedy" answer must come from the presiding judge himself per Rule 1 above, has the judge himself violated Rules 1 and 7?

4. Under Rule 8, would Judge Schneider by failing to answer a Motion for his Recusal, be considered to have avoided it, or denied it? Judge Quarles, an alumnus of Venable Baetjer & Howard, denied the Mandamus. The amount of verbiage devoted to the recusal, which the Mandamus was only requesting be answered, indicates the avoidance of the main issue, which is to comply with Rule 1. Has the answer been avoided, per the above for 392 days, with the complicity of the District Court contrary to the intent of Rule 8?

5. Rule 12 requires that a defendant shall answer within 20 days after being served with a summons and complaint. In this case, a recusal motion was fIled against a judge, which as a layman I would believe would make him the defendant. Has this judge violated Rule 12 by not answering and avoiding a motion for his own recusal?

The right to a jury trial to resolve suits at common law is a fundamental right given by the Constitution to all United States citizens. The bankruptcy court did not meet the due process standards established by Congress and the Federal Rules requiring the trustees to make conclusionary reports that the serious claims which had been ruled non-dismissable under Rule 12(b) (6) by

a Federal District Judge in the United States District for the Northern District of Illinois, Eastern Division, in Docket No. 01C3012 did not warrant any further litigation. The Bankruptcy Court without any detailed memorandum of law had no judicially recognized basis for a ruling, which in essence terminated the litigation in favor of LaSalle Business Credit. [Part of this material is excerpted from the Brief Amicus Curiae of Citizens Foundation for a Cancer Free America, Inc. filed in the United States District Court for the District of Maryland.]

The denial of Judge Benson Legg, another alumnus of Venable Baetjer and Howard, of the appeal of Judge Schneider's August 22, 2002 decision, would have been appealed for pure inaccuracy, had Petitioner possessed unlimited funds. Petitioner was forced into a settlement by the bias and lack of answers to various motions, which eliminated a just, speedy, and inexpensive determination. Is this a violation of Rule 1?

6. Does the chart attached as Appendix D indicate biased handling of all matters affecting Petitioner?

7. Under Rule 52, the court should make certain findings and judge the credibility of witnesses. Remarkably, John Woods, house counsel of Petitioner's various companies, was found not to be a creditable witness in spite of his Harvard law degree, his own unblemished record when with Patton & Boggs, the Washington, DC law firm, before he joined the United States government as an attorney. Is this finding believable?

Remarkably, in addition, the Bankruptcy Court found the following law firms' advice and documentation to all be unsatisfactory: Cooter, Mangold, Tompert & Wayson, Piper Marbury Rudnick & Wolfe, Ropes & Gray, Brown Raysman Millstein Felder & Steiner LLP, Proskauer Rose LLP, and Schulte Roth & Zabel. Even more remarkable was the judge finding and accepting all the allegations of the Plaintiff, which Venable had to realize were fictional, as well as accepting Venable's theory to amend Generally Acceptable Accounting Procedures (GAAP).

This all occurred while Petitioner was attempting to stay alive, and usually unaware, incapacitated or unavailable. Every destructive effort was made on the part of the Bankruptcy Court Judge hearing the case, and continued when the extension for appeal per Rule 6 above was filed, and the United States District Court for the District of Maryland in spite of Rule 6 and applicable case law prevented Petitioner from filing an appeal under normal legal proceedings. Is this behavior the procedure contemplated by Rule 52?

8. Rule 56 of the Federal Rules of Civil Procedure requires a detail analyses by the trustee(s), namely Joseph Pardo for Valley Rivet Company, Inc. and Zvi Guttman for VR Holdings, Inc.[1] The Bankruptcy Court, never made a

[1] Under §7630.38 Trustees, [FN11] the Trustee, Guttman never investigated

ruling to justify terminating the litigation similar to that undertaken by federal judges under the Federal Rules of Civil Procedure. Because detailed analysis of the law and facts relating to the merits of the pending litigation in Illinois District Court was not presented by the trustees to the bankruptcy judge, the bankruptcy judge was not in the position to determine on the merits whether the case justified dismissal or not. When the defendants, LaSalle Business Credit, et al filed a motion to dismiss for failure to state a claim, the U.S. District Court judge in Illinois did not dismiss counts II, III, IV, V and IX, (Case Number 00 C8145), which set forth specific claims for compensatory damages of $131,600,000, and punitive damages of $115,000,000, a total of $246,600,000. Were the plaintiffs entitled to full discovery to all issues in those claims under the Federal Rules of Civil Procedure, which were blatantly denied by the Bankruptcy Court?

9. The Federal Rules of Civil Procedure allowed the filing under certain circumstances of a motion' for relief under Rule 60 (b). Two hundred and fifty-two days have passed since that motion was filed. It took Judge Schneider 46 days to deny a motion "that a judge other than himself be assigned to review the Rule 60 (b) filing", 197 days have passed since the appeal of that denial, and 252 days have past since the filing. In an effort to have this and other motions answered, a Mandamus was filed in the United States District Court for the District of Maryland, which was denied, which denial was confirmed by the United States Court of Appeals for the Fourth Circuit. Should the rules not be administered, and be buried, when such motions are distasteful to the lower and upper court?

10. Rule 63 relates to the "Inability of a Judge to proceed". The Citizens Foundation for a Cancer Free America, Inc. (CFA) recognized the problem described under Rule 63. CFA would have received a donation of $75 million to promote the use of alternative medicine with conventional medicine in combating cancer. CFA filed a Complaint of Judicial Misconduct or Disability in the United States Court of Appeals for the Fourth Circuit on October 11, 2003, to remove Judge Schneider from his position and having heard nothing, in January of 2004 requested an update from the Court of Appeals for the Fourth Circuit. On February 4, 2004 CFA received a letter saying that the court had determined not to remove Judge Schneider, and if CFA wished to appeal, they should have appealed prior to December 31, 2003, 31 days after the decision was made on December 1, 2003, which CFA never received a copy of. CFA wrote a letter to the presiding judge, William W. Wilkins, and never received the courtesy of an answer. Based on the facts presented, the questionable confusion continually surrounding the entire matter, and the bias displayed, should the entire decision in the United State Bankruptcy

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the debtor's financial affairs, nor made any effort to seek equitable subordination of LaSalle Business Credit's claim, and admittedly entered into pre arrangements with Valley Rivet's Trustee's local counsel, Brooke Schumm, III.

Court for the District of Maryland dated August 13, 1999, which took 834 days to make contrary to Rule 1, be negated?