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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Andrew Glen Clark

Appellant

vs. Appellees

Wells Fargo Bank, NA Attorney of Record

Christian Rowley Seyfarth Shaw 560 Mission St. #3100 San
Francisco, CA 94105

Ogletree Deakins et al c/o General Counsel Christopher
Mixon 401 Commerce Street #1200 Nashville, TN 37219

9th Circuit Case: 17-35247
Case No.6:14-cv-01103-JR

MEMORANDUM OF POINTS
AND AUTHORITIES AND

DECLARATION FOR MOTION
TO VACATE JUDGMENT per
FRCP 60 (d) (3) per FRAP 2

City of Eugene, OR Attn: Lauren Sommers 125 East 8th Ave. Eugene OR 97401

County of Lane, OR Attn: Sabastian Tapia and Steven Dingle 125 East 8th Ave. Eugene OR 97401

State of Oregon via Attorney General Ellen Rosenblum –and-

Lane County Prosecutor Erik Hasselman via Cecil Reniche-Smith, Asst. Attorney General for Oregon
1162 Court Street NE Salem OR 97301-4096

MEMORANDUM OF POINTS AND AUTHORITIES

1. SUMMARY OF FACTS

I filed a factual pleading in accordance with FRCP 9(b) against Defendant on July 11, 2014 alleging Racketeering and Civil Rights Violations pursuant to my employment at Wells Fargo. An enterprise of more than two people committed a series of federally recognized felonies against me within a two year period which exactly meets the definition of “Racketeering” as set out in 18 USC 1961. The signature fraud was recently discovered and provides good grounds to vacate the judgment so we can have a conference or a trial or a hearing. For years Defendants have refused any form of discussion. There have been no conferences or hearings.

Judgments and orders were entered against me per the case docket. Said orders and judgments were procured through fraud on the court in that:

1. A set of facts that comports to criminal violation of 18 USC 1951 (Hobbs Act) was used by employment attorney and agent for Wells Fargo: Ogletree Deakins to be dismissed from lawsuit. The Hobbs Act violation awarded third party benefits under color of law and via coercion. Written evidence shows Erik Hassleman, a State Prosecutor for Lane County committed the crime as directed by Ogletree Deakins et al via attorney Steven Seymour.
2. The order used to dismiss the case was a product of signature fraud and judicial fraud by court staff who accepted an order from outside the system. My name was not spelled correctly on that one document with a signature that does not match others of Judge Coffin. Those were used as the basis for Judge McShane's signature to be used on the final dismissal order using the /s format. According to a conversation I had with Judge McShane on the telephone, he was a 'transition judge' in that timeframe and did not sign any prejudicial orders against me. The evidence is included herein.
3. Attorneys for all defendants (listed in Declaration) concealed evidence from the court as detailed in Declarations of Plaintiff Andrew G. Clark filed with this memorandum, including a Rule 26 form filed with my lawsuit on

7.11.14 detailing nature and location of evidence. All attorneys repeatedly refused conference upon evidence or fact as a strategy to delay and obstruct.

4. City of Eugene and Lane County both fraudulently used justice system manipulation and other devious means to avoid answering the factual complaint and evidence. The other attorneys took advantage of their results and each ignored their professional obligations to report the fraudulent activity and concealed evidence.
5. All parties engaged in or benefitted from a method that was used to criminalize communications. It is a generic method to criminalize expression of emotion and to criminalize a citizen's FIRST AMENDMENT OBLIGATION TO SPEAK RIGHTFULLY AND WITH EVIDENCE (and to be quiet otherwise).
6. Defendants continue to rely upon the logical fallacy of Ad Hominem attacks to detract the reader from the underlying fraud with the result being the obstruction of evidence. Those defaming statements are entirely false individually and in total as shown within my 60(d)(3) filing. They are the product of the subject fraudulent subject SLAPP suit and other illegal actions against me by Defendants.

See the Declaration of Plaintiff Andrew G. Clark and Exhibits attached thereto filed and served concurrently and incorporated herein by reference.

II. LEGAL ARGUMENT

The court has the power to vacate the orders and judgment that were entered against me as a result of fraud on the court. Federal Rule of Civil Procedure 60(d) (3) states in pertinent part that nothing in Rule 60 limits a court's power to set aside a judgment for fraud on the court.

Defendant attorneys individually and collectively committed fraud on the court by deliberately concealing evidence described to them in Case Document 2 in PACER (Rule 26 filing dated 7.11.14). They ignored and denied existence of evidence.

Those deliberate omissions of evidence and the methods they used to conceal and impede evidence destroyed the integrity of the judicial process as enumerated.

The attached Declaration contains a partial list of evidence that was concealed. The Declaration contains a partial list of methods used by Defendant Attorneys to conceal facts and evidence from this court.

A "fraud on the court" occurs where it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. See, e.g., *Alexander v. Robertson*, 882 F.2d 421, 424 (9th Cir.1989); *Pfizer, Inc. v. International Rectifier*

Corp., 538 F.2d 180, 195 (8th Cir.1976); England v. Doyle, 281 F.2d 304, 309 (9th Cir.1960); United Business Communications, Inc. v. Racal-Milgo, Inc., 591 F.Supp. 1172, 1186-87 (D.Kan.1984); United States v. ITT Corp., 349 F.Supp. 22, 29 (D.Conn.1972), aff'd mem., 410 U.S. 919, 93 S.Ct. 1363, 35 L.Ed.2d 582 (1973). The Ninth Circuit has also stated that fraud on the court is "an unconscionable plan or scheme which is designed to improperly influence the court in its decision." Abatti v. Commissioner, 859 F.2d 115, 118 (9th Cir.1988) (internal quotation omitted).

The specifics of what was concealed and how defendant attorneys perpetrated their concealment rises far above "unconscionable" to "devious, cruel, and criminal". The extent of the concealment turned the court into a tool of Defendant's retaliation via its hoards of attorneys. One species of fraud upon the court occurs when an "officer of the court" perpetrates fraud affecting the ability of the court or jury to impartially judge a case. See In re Intermagnetics America, Inc., 926 F.2d 912, 916 (9th Cir. 1991); see also Alexander v. Robertson, 882 F.2d 421, 424 (9th Cir.1989). "[F]raud upon the court includes both attempts to subvert the integrity of the court and fraud by an officer of the court." Intermagnetics, 926 F.2d at 916. In this case, the "Officer of the Court" abdicated to staff and systems.

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court." In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

The United States Supreme Court has stated that lawyers are officers of the Court. See *In re Snyder*, 472 U.S. 634, 643(1985) (courts have inherent authority to discipline lawyers which "derives from lawyer's role as an officer of the court which granted admission."). That includes referring them for criminal prosecution as seems very appropriate given the gravity of their total dereliction of duty.

IT IS WELL SETTLED THAT THE FAILURE OF A LAWYER TO DISCLOSE EVIDENCE OR TO ACTIVELY OBSTRUCT ITS PROPER HEARING IN COURT CONSTITUTES FRAUD ON THE COURT AND THAT THERE IS NO TIME LIMITATION FOR VACATING A JUDGMENT FOR FRAUD ON THE COURT.

Fraud on the court is distinct from other types of fraud in that it is generally applied only in the most egregious cases. For example, the Ninth Circuit Court of Appeals stated in *Toscano v. Comm’r*, 441 F.2d 930, 933-34 (9th Cir. 1971) that the term “fraud upon the court” must be construed narrowly in connection with Rule 60. In this case, it goes past fraud and into nation-ending public corruption and devious manipulation of systems to conceal Defendant’s major felonies.

The Ninth Circuit Court of Appeals in the case of *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d 1128, 1131 (9th Cir. 1995) held that a lawyer’s failure to disclose evidence during discovery constituted fraud upon the court. In this situation, the attorneys used all their power to prevent facts and evidence from being heard in a court of law. They negated the purpose of the court. They performed their job such that they violated major federal felonies. And Ogletree Deakins has a proven history of it: www.RisePatriot.com/theybbad.pdf

The key issue is NOT where the alleged fraud prejudiced the defendant, the key issue is whether the fraud harms the integrity of the judicial process. “...the inquiry as to whether a judgment should be set aside for fraud upon the court under Rule 60(b) focuses not so much in terms of whether the alleged fraud prejudiced

the opposing party but more in terms of whether the alleged fraud harms the integrity of the judicial process." *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d at 1133 (citing text). The particulars of the fraud in this case shows our local district court to operate in contradiction to the law in a most cruel way.

In this case the magnitude of the obstructed evidence and the brutal, illegal ways in which it was obstructed rises far above thresholds established in other cases. It is greatly inflamed by status as federal witness/informant due to in-advance, in person reporting to local FBI in this case arising from banking employment and retaliation after reporting perceived criminal or unethical activity I observed in my workplace.

Therefore, the fact of large amounts of highest-quality evidence being concealed or obstructed compels a finding of fraud upon the court. Whether or not my evidence proves my allegations (the evidence perfectly proves allegations) is not relevant to finding of fraud as it exposed the method and mechanism of Defendant's obstruction.

It is well settled that courts have inherent equity power to vacate judgments obtained by fraud. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991); see also *In*

re Levander, 180 F.3d 1114, 1118-19 (9th Cir. 1999). Rule 60(b), which governs relief from a judgment or order, provides no time limit on courts' power to set aside judgments based on a finding of fraud on the court. 11 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2870 (2d ed. 1987).

“We exercise the power to vacate judgments for fraud on the court with restraint and discretion,” Chambers, 501 U.S. at 44, and only when the fraud is established “by clear and convincing evidence,” England v. Doyle, 281 F.2d 304, 310 (9th Cir. 1960). The nature of the evidence (e.g. audio recordings made by police or proof of corporate corruption of FBI processes) rises past the level of fraud and solidly into the realm of “obstruction of justice” and “conspiracy to obstruct justice”.

A survey of recent cases showed 9th Circuit Court of Appeals issued rulings in United States v. Sierra Pacific Industries, Inc., No. 15-15799 (9th Cir. July 2017).

*At first glance it may appear to be applicable. However, it does not provide any different or additional guidance in an unsettled case such as this. Sierra Pacific Industries had agreed to settle a lawsuit. **After the settlement** they unsuccessfully moved to vacate using Rule 60(d)(3). That case does not provide relevant guidance in a citizen’s case of unsettled facts and evidence such as mine.*

Yates v. United States, 574 U.S. 1074 (2015), was a United States Supreme Court case in which the Court construed 18 USC 1519, a provision added to the federal criminal code by the Sarbanes-Oxley Act to criminalize the destruction or concealment of "any record, document, or tangible object" to obstruct a federal investigation. The Court stated that the term "tangible object" as used in this section means an object used to record or preserve information, and that this did not include fish. But it obviously applies to fraudulent use of the court's automated systems by court staff and/or others.

The court itself and certainly information systems like PACER or Case Management System are tangible objects as defined by Yates and what is currently viewed as "fraud upon the court" is could actually be a criminal violation of 18 USC 1519....one of the few laws that transfers dire criminal sanctions to those responsible for allowing the obstruction. I further contend that "any person" including a judge is subject to 18 USC 1519 if it is determined the nature and scope of concealment demands it.

While courts are in general cautions about vacating a judgment under their inherent equity power it has also been settled for over 100 years that in cases where the occasion has demanded, where enforcement of the judgment is "manifestly

unconscionable, they have wielded the power without hesitation.” Pickford v. Talbott 225 U.S. 651, 657 (1912), see also Hazel-Atlas Co. v. Hartford Co., 322 US 238, 244-245 (1944).

CONCLUSION

When all of the relevant circumstances of this case are taken into account the only clearly equitable determination is that the motion of Plaintiff under Rule 60(d)(3) should be granted. *Years have gone by without any form of conference or court hearings of simple evidence of personal harm. I have a civil right to redress of grievances in a functioning court and that has not happened.* Instead, the defendants were allowed to use the court as yet another weapon against me....

Andy Clark... their honest and hard-working NEIGHBOR. Based on the above, Plaintiff Andrew G. Clark respectfully requests that the Court set aside the Orders/Judgments that were entered against them and allow this case to be correctly tried on its merits or otherwise settled, as the law favors.

Signed _____/s _____ Andrew G. Clark, Plaintiff/Appellant June 7, 2019
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Andrew Glen Clark

Appellant

9th Circuit Case: 17-35247

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vs. Appellees

Wells Fargo Bank, NA Attorney of Record

Christian Rowley Seyfarth Shaw 560 Mission St. #3100 San
Francisco, CA 94105

Ogletree Deakins et al c/o General Counsel Christopher
Mixon 401 Commerce Street #1200 Nashville, TN 37219

NOTICE OF MOTION AND MOTION
TO VACATE JUDGMENT FOR
FRAUD ON THE COURT Rule 60d3
DECLARATION OF PLAINTIFF
ANDREW CLARK

City of Eugene, OR Attn: Lauren Sommers 125 East 8th Ave.
Eugene OR 97401

County of Lane, OR Attn: Sabastian Tapia and Steven Dingle 125 East 8th Ave. Eugene OR 97401

State of Oregon via Attorney General Ellen Rosenblum –and-

Lane County Prosecutor Erik Hasselman via Cecil Reniche-Smith, Asst. Attorney General for Oregon
1162 Court Street NE Salem OR 97301-4096

DECLARATION OF ANDREW G. CLARK, PLAINTIFF

I, Plaintiff Andrew G. Clark, declare as follows:

1. I am over the age of 18 years and am a party to this action. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could and would testify competently to the truth of the facts as stated herein.
2. I make this declaration in support of my motion to vacate the judgments and orders list on Notice of Motion and in court records on the grounds that said judgment was procured through fraud on the court.
3. Attorneys for Defendants listed below committed fraud on the court by the following actions and deliberate omissions that harmed the integrity of the judicial process:

Leah C. Lively (involved in case via Ogletree Deakins employment)

Davis Wright Tremaine LLP – Portland 1300 SW Fifth Avenue Portland, OR 97201

Christopher Mixon Ogletree Deakins SunTrust Plaza, 401 Commerce Street #1200
Nashville, TN, 37219

Sabastian Newton Tapia Office of Lane County Legal Counsel
125 E. 8th Ave Eugene OR 97401

Steven W. Seymour Samuels Yoelin Kantor LLP
111 SW 5th Avenue Suite 3800 Portland, OR 97204

Christian Rowley Seyfarth Shaw LLP 560 Mission Street, Suite 3100
San Francisco, CA 94105

David C. Campbell Lewis Brisbois Bisgaard & Smith LLP
888 SW Fifth Avenue Suite 900 Portland, OR 97204-2025

Benjamin J. Miller City of Eugene 125 E. 8th Avenue, 2nd Floor Eugene, OR 97401

Vanessa A. Nordyke Oregon Department of Justice Trial Division
1162 Court Street NE Salem, OR 97301

Sharon C. Peters Lewis Brisbois Bisgaard & Smith LLP 888 SW Fifth Avenue Suite 900
Portland, OR 97204-2025

Peter D. Urias Seyfarth Shaw LLP 560 Mission Street, Suite 3100
San Francisco, CA 94105

**SIGNATURE FRAUD AND JUDICIAL FRAUD IN EUGENE OR
DISTRICT COURT**

That particular matter was excerpted to the Motion filed concurrently under Federal Rules of Appeals of which this document supports. The evidence of the judicial fraud is there as Exhibit 1. This documents other types of fraud and deceit that I documented in the course of my work.

document continues on next page.....

**DISMISSAL OF OGLETREE DEAKINS AND ERIK HASSELMAN:
CRIMINAL VIOLATION OF 18 USC 1951**

Ogletree Deakins Employment Law as a corporate entity and as individuals did perpetrate a series of actions that constitute a criminal violation of 18 USC 1951, The Hobbs Act and used that fruit to fraudulently gain dismissal from this lawsuit.

Among evidence listed below is reasonable proof the 2013 arrest was “manufactured crime” based entirely on fraud. Life threatening duress eventually caused me to accept a plea bargain involving just one count of stalking Ogletree Deakins and Leah Lively. My family had suffered more than enough from the seemingly endless wave of home invasions via police sent by attorneys for Wells Fargo as well as police seizure of all computer equipment 11.4.13. Bail was \$600,000. The computer fraud caused me to be fitted with an ankle bracelet. Police were calling at 2 am and other odd times claiming they were not getting a signal. And all I had to do to end all that suffering for me and my family was plead guilty to one count and I had the ankle bracelet cut off and the bail was returned. It was methodically set up as proven with letters between the attorneys and Erik Hasselman. Ogletree Deakins has a history of using false arrest to affect outcomes. The perfect evidence trail was brutally concealed by attorneys and court staff operating in a fashion that violates the law and the purpose of courts.

www.RisePatriot.com/theybbad.pdf has been submitted to the court several times. It is a collection of articles from the same time period demonstrating Ogletree Deakins was under fire in Maricopa County AZ for similar activity there including involvement in false arrest of political opponents of “Sheriff Joe” via bypass of grand jury.

Regardless of any of the above facts, the coerced, stipulated agreement took away my ability to mail any legal pleadings to Ogletree Deakins unless produced by an attorney despite them being fully aware I was appearing Pro Se in this court at that time. It also grants a similar benefit to attorney Steven Seymour, a clear benefit to a third party awarded under color of official right and involving coercion. Leah Lively was not stalked in any way. Other than a few moments in District Court, I was never within 100 miles of Portland during the time in question and all communications were to offices and agencies. I carefully avoided any hint of personal contact. Leah Lively did not appear to have personally complained and did not personally appear in Lane County. Leah Lively’s husband is some type of police officer and all public records and contact data is unavailable to citizens. Yet she was awarded a 10 year stalking protection order despite lack of hearing prior to arrest as mandated by Oregon law. *As added devious act, Erik Hasselman split*

that into a different case number thus effectively duplicating the coerced conviction in public records and making appeal impossible. It appears Erik Hasselman knows Leah Lively as both were state's prosecutor in a similar timeframe. (note: the above facts were detailed and evidenced in court filings).

FRAUDULENT ACTIONS AND OMISSIONS OF ATTORNEYS
PARTIAL LIST OF EVIDENCE CONCEALED BY ATTORNEYS

It is not feasible to include the exhibits with this pleading due to their nature and volume but all have been submitted and concealed in PACER without hearing, conference, or trial. Most is available via my evidence site www.RisePatriot.com as originally disclosed via Rule 26 in this court long ago. All is readily available to me and can be furnished immediately upon telephone or email request. I remain available to "relate" evidence to allegations as needed.

1. Audio recording made by City of Eugene Police (EPD) 7.18.11 in my home.
2. Audio recording made by EPD 7.18.11
 - a) In front of police headquarters speaking with me
 - b) Inside police headquarters talking amongst themselves and making a telephone call to Martin Ognio, Wells Fargo security Portland OR.
3. Audio recording made by EPD of 911 call made by an agent of Wells Fargo 7.28.11
4. Video of me in a police car being taken to jail 7.29.11
5. Email between me and Wells Fargo used as basis for 7.18.11 police visit.

6. Email dated 7.21.11 (Dept. Labor/OSHA to me)
7. Evidence that linked case: Wells Fargo v. Clark 6:11.cv.06248.ho was:
 - a. Not correctly authorized by Well Fargo.
 - b. Fraud upon the court involving the Judge and a 'SLAPP' action.
 - c. Use of local courts to negate national legislation: Dodd-Frank.
Note: I filed a Motion under Rule 60(d)(3) in that case as well and it is in 9th Circuit. The results of that case were used to influence the court to bypass my factual pleadings and related evidence.
8. Official transcripts of the three hearings in Case 6.11.cv.06248.ho.
9. My 'crime report' filings to local Federal Bureau Investigation dated 5.25.11 and 7.27.11 in which I detailed internal retaliation for reporting matters such as Wells Fargo abusive sales tactic or unpaid overtime via fraudulent programming of their national payroll system.
10. My report to FBI of a general pattern and practice or police abuse in Eugene OR which facilitated their corruption by a commercial enterprise. It was filed under 42 USC 14141 in March 2014.
11. Written police reports from July 2011 police activity showing corruption of FBI processes.
12. Evidence I did in fact report concerns regarding "Well Fargo India Solutions" to Central Intelligence Agency via consulate offices in Bangalore and Hyderabad India as well as to their national facsimile number. City of Eugene police are heard on audio calling that 'crazy'.
13. Evidence I did in fact report concerns to external auditor KPMG and that I am a non-practicing Certified Public Accountant.
14. Evidence I did in fact report my findings to Securities Exchange Commission, Department of Labor Racketeering Office, and to Federal Reserve

Board as well as Wells Fargo Home Mortgage in Des Moines and Wells Fargo and Company in San Francisco.

15. Evidence that removal of guardianship of my retarded adult offspring was a direct or proximate result of EPD fraudulently and wrongfully entering me into a national threat database.

16. Evidence I repeatedly complained to City of Eugene Police Auditor about my treatment by EPD and that there was no actual investigation of my complaint.

17. Evidence that defendants via their attorneys knowingly and deliberately exposed me to a level of legal battery and financial assaults that took away my ability to defend myself or afford an attorney thus denying me of legal representation as 2011 matters were occurring.

18. In 2013 I collected together all case specific written material along with exhibits and produced a 1,182 page report cataloging the abusive practices used against me, a lowest level Wells Fargo worker after reporting to FBI and DOL. This civil lawsuit was submitted to this Court at the encouragement of FBI Field Agent Ken Jamison after he spent one hour with me at Eugene's FBI field office reviewing just the 2011 police reports. The comprehensive 1,182 page report was hand-delivered to United States Asst. District Attorney Christopher Cardani in Eugene OR and is also concealed evidence.

19. Large quantities of evidence demonstrating I repeatedly warned Defendant Attorneys they were not acting in the Best Interests of Wells Fargo via their legal battery of me and had brutally corrupted FBI processes.

20. Conspiracy letters to use further criminal processes as a means of ending civil litigation. They are from May and June 2013 between Steven Seymour (hired by Ogletree Deakins) and State's Prosecutor Erik Hasselman and EPD.

21. Evidence that attorney Leah Lively was not stalked by me in any way and was in fact a corporation Ogletree Deakins which used allegations of "stalking".

22. Evidence that absolutely harmless, rightful, informative communications were assigned to City of Eugene Major Violent Crimes detectives who came to my home on July 18, 2013 as a predicate for their massive arrest and brutal jailing tied to fraudulent risk scores generated by 10 identical charges.

23. Pretrial, I was deemed such a threat due to fraudulent risk scoring that I was placed in maximum security jail across from a convicted double murderer now on death row. I was subjected to extremely painful and life threatening conditions. Evidence of that special section of Lane Count Jail was concealed.

24. Evidence that all aspects of Oregon's and Lane County's stalking protection where not followed by Ogletree Deakins attorneys, Steven Seymour, and Erik Hasselman.

25. Evidence that Ogletree Deakins was never in "imminent threat" as they claimed to our local police (EPD). Evidence from Portland police demonstrating they did not get a call about the "imminent threat" Evidence of false police reports and improper use of police was concealed.

26. Evidence that Oregon's stalking laws did not apply to corporations as corporations cannot be stalked, raped, murdered, or even poked in the eye with a sharp stick.

27. Evidence that Erik Hasselman and local "major violent crimes" detectives deliberately used 10 identical stalking charges to cause Lane County's Risk Assessment Tool to calculate a maximum 'danger score' which permitted maximum security jailing, \$600,000 bail, ankle bracelet monitoring and general threat profiling.

28. Evidence that the charging instrument was not properly executed and that actual facts and evidence (a pile of faxes provided by various attorneys all over America) and did not constitute "stalking".

29. Evidence that Ogletree Deakins was involved in very similar allegations in Maricopa County Arizona pursuant to representing Sheriff Joe Arpaio. **(Ex. 1)**

That case involved false arrest and fee gouging by Ogletree Deakins. Ogletree Deakins was most likely the firm that advised ‘Sheriff Joe’ to ignore a judge’s 2011 order leading to a Presidential Pardon in 2017.

30. Evidence that Erik Hasselman personally forged all aspects of a search/seizure warrant of my home four months after arrest to terrorize me and induce me to accept a plea deal. All my court working papers were on seized computers I did not receive back until 2017.

31. Evidence that defendant attorneys who typically represent corporations and state entities actively worked to financially cripple me...a private citizen and lowest level customer contact worker. Evidence that defendant attorneys were “fee gouging” Wells Fargo by instituting and continuing wrongful retaliation for reporting per law and policy.

32. Evidence that National Institutes of Health had (then) recently determined excessive exposure to cellular signals was of health concern. Ankle bracelets are strapped to the bone and emit signals all day long. Evidence that my entire household was repeatedly awakened at 1 AM for example by police claiming they could not get a signal. Generally, evidence shows ankle bracelets are coercive, are punishment prior to trial, and are used to deliberately batter and coerce. They have a negative effect on public safety.

33. Evidence I was subjected to life threatening duress that wore me down over six months to finally enter a ‘plea’ bargain and that the criminal prosecution of me was another criminal act by defendants that qualified as “RICO” violations. Evidence I was being badly punished before trial *under color of law* and punishment stopped when I accepted a plea bargain.

34. Evidence that mental health resources were used to retaliate and tamper.

35. Evidence Prosecutor Erik Hasselman violated all aspects of command and control to self-generate misdemeanor arrests via “information” instead of grand jury despite a cumulative penalty of up to 10 years in prison for...faxes.

36. Evidence that for reasons unknown to me I was threat listed by our local circuit court and that a poster or notice of some form to that effect was placed on a wall between Judge Vogt and Rasmussen. It caused extreme security measures including being followed around in court by armed Sheriff's deputies.

37. Evidence of persistent and widespread violations of American Bar Association rules for attorney conduct which were enacted as law in Oregon. Evidence that Oregon and National Bar associations did not investigate my complaints in any way.

38. Ample evidence that police deliberately timed activity in evening hours and near weekends to maximize exposure to neighbors, to brutally and wrongly involve family members and others residing in the home, and to facilitate overnight jailing on a concrete floor. It is one of a long list of ways police are able to punish or humiliate citizens under color of law.

39. Evidence I submitted a Constitutional Question under FRCP 5.1 and per instructions also mailed it via certified letter to Oregon's and United States Attorneys General. It was not correctly adjudicated; it was ignored as if it did not exist.

40. Evidence of attempted fraud of City of Eugene dispatch records 7.18.11 by police officers to conceal their visit to my home.

(Note: there is a significant amount of other evidence including police a/v....all concealed in Eugene OR district court via massive judicial fraud and attorney abuse of the citizen's courts. The above is a fraction of it.)

**METHOD USED TO CONCEAL EVIDENCE:
GAINING DISMISSAL WITHOUT ANSWERING A COMPLAINT.
ATTORNEY'S FRAUDULENT USE OF FEDERAL CASE MANAGEMENT
AND REPORTING SYSTEMS.**

The method attorneys and this court used to conceal evidence is identical to the method used to hide Rape of Children. They blame the victim. They call the

victim crazy. They increase their brutality to silence the victim. Lane County's Attorney Sabastian Tapia and City of Eugene Mayor' Office (which took deliveries for Ben Miller) are on the same floor of a fairly small public building, perhaps 200 feet away. It could be the two attorneys individually committed fraud upon the court but it is more likely the two attorneys engaged in a conspiracy to obstruct justice and conceal evidence. What they did was depraved. They played a devious game that cost me emotionally and monetarily.

City of Eugene has an office with a receptionist. They do not time/date stamp material. I was told it would go straight to City of Eugene's attorney. Based on his fast court response under Rule 12(e) I knew City of Eugene accepted service. State's District Attorney for Lane County maintains a formal public window where material is time/date stamp. They accepted service of all material via public window per common sense and Oregon's laws.

Lane County maintains also maintains a public window. It is identical to District Attorney's. Material is placed into a slot and received by a clerk who time/date stamps it. Oregon law and actions of other parties all indicate it is a valid method of service.

My assumptions regarding successful service of summons to Lane County were bolstered by Mr. Tapia's actions. Sabastian Tapia (Lane County's attorney) wrote letters to me regarding my lawsuit complete with case number. We spoke several times on the telephone and email. We met in person for over an hour. He was the only one who engaged in a conference process vaguely resembling FRCP 7.

Time ran on and eventually Mr. Sabastian Tapia perjured the Court when he claimed Public Window was not a valid method of service. After all the time and energy I invested in Mr. Tapia... Lane County got dismissed from accountability by simply claiming they never received my complaint despite writing me and conferring.

City of Eugene never answered the lawsuit in local district court. Mr. Ben Miller engaged in a complex and criminally devious fraud upon the court to avoid answering at all. Ben Miller, City of Eugene's attorney, filed for a more definitive statement under FRCP 12(e). As shown in Court Records, I provided it along with other motions and evidence. I performed many other court filings. It went on for months. Then City of Eugene (i.e. Ben Miller) motioned Court to process dismissal actions *prior to hearing my FRCP 12(e) response* or anything else, including a Constitutional Question submitted under FRCP 5.1 relating to improper

usage of systems to achieve illegal results. City of Eugene did not constructively answer the complaint.

After that, attorneys went so far as to file a motion to Court complaining that I did not answer to their pleadings. I did respond. They bypassed all my responses as explained above. The result is criminal fraud of Federal Systems in attempts to obstruct hearing of original evidence as well as evidence of their flagrant and severe public corruption as described and enumerated herein.

The above described fraudulent activity regarding improper use of ‘order of motions’ is especially egregious considering it caused my urgent *in Camera and In Limine* pleading reporting the activity to District Court to be completely ignored and bypassed.

**METHOD AND CONSPIRACY AGAINST FIRST AMENDMENT
OBLIGATIONS TO SPEAK RIGHTFULLY AND WITH EVIDENCE
(and to be quiet otherwise):**

Twice in a two year period I was arrested and placed into Lane County jail prior to any form of hearing. Both arrests were based entirely upon my harmless and rightful communications to offices, not individuals. 2011 events were predicated upon one email (**evidence item 5 above**). 2013 events were predicated entirely upon mass communications to tens of thousands of industry recipients advising and complaining of 2011 events.

As described, illegal and fraudulent methods were used as a basis for Prosecutor Erik Hasselman to self-generate 10 identical misdemeanor stalking charges instead of grand jury despite a cumulative penalty of up to 10 years in prison for...faxes mailed mostly outside Oregon. It is vital to note I faxed the same notices to all FBI offices and various other Law Enforcement agencies and no entity other than Ogletree Deakins made a federal case of...faxes. **Exhibit 2 explains a JUDGE was false-arrested by Ogletree Deakins using identical tactics.**

This describes the method used by attorneys in my case to criminalize communications. It is generic. It can be used upon anyone. I am by no means their first victim. My experience shows this type of activity has long been a tactic used by corporate and “family law” attorneys.

While employed at Wells Fargo I was assigned to Human Resources in Des Moines via telephone/email only. I was repeatedly told I must run everything through Elise Reiser and no matter where else I may send it, it would go to her desk. That was an aspect of internal retaliation. It was the same tactic used by attorneys after employment

1. I (or any other victim) was told by all of the above to direct all questions to them, usually by way of formal letter.

2. They completely ignore absolutely anything and everything.
3. They write another letter complaining about my letters even though they asked for them and ignored them.
4. They start writing letters admonishing that all questions, etc. must only go to them and cycle continues. They in writing accuse the victim of being a nuisance. It is a form of emotional pretexting inflicted to at least humiliate a victim and ideally to cause a physical action to justify arrest. It is a deliberate legal strategy and logical fallacy generally called “Ad Hominem” attacks.
5. They freely lie to police and courts and use their fealty network to CAUSE an arrest. Once arrested, internet mugshot publication makes it very easy to perpetrate subsequent use of police to silence rightful communications while greatly prejudicing their case in civil court. 2011 trespass case was dismissed but internet arrest records last forever.
6. In my case police amplified “defaming by systems” by apparently making a fraudulent entry into a federal crime database of violent community threats.
7. They insultingly criminalize any communication reflecting outrage. They use humanity against the human. It rises past fraud and past mere criminal

conduct. What attorneys perpetrated in this case propelled them deep into
“Crimes Against Humanity” especially when combined with their use of
family court to remove a family member coupled with economic and legal
battery. It is nothing less than a modern way to ghettoize citizens and
represents a novel incarnation of decentralized holocaust functionally
equivalent to 1935 Nuremberg Laws or Soviet starvation policy of the same
time period.

LOGICAL FALLACY OF AD HOMINEM ATTACKS AGAINST ME BY THE COURTS

The pervasive logical fallacy of ‘Ad hominem attack’ as seen in this case negates
the purpose of the justice system and returns us to the days of the pillory and
camera stellata. They have no evidentiary value and their only result is to
continue the obstruction of facts and evidence placed into this court by defaming
and crushing the victim (me in this case).

Defendants continue to rely upon the logical fallacy of Ad Hominem attacks to
detract the reader from the underlying fraud with the result being the obstruction of
evidence. The first half of many Orders and Judgments is nothing but attorney-lies
lacking relevance to the matters in front of the court. Those defaming statements
are entirely false individually and in total as shown within my 60(d)(3) filing and

all my other legal pleadings. They are the product of the subject fraudulent subject SLAPP suit and other illegal actions against me by Plaintiff which appear part and parcel of Defendant's actual corporate practices.

Almost all of the computer-form-orders (purportedly) mailed from Eugene's district court start by reciting the same set of irrelevant lies about me and the case. They all use case law to justify the outcome and in all instances the case law has little-to-nothing to do with the facts and tangible evidence in this case. The practice is a widespread logical fallacy which constitutes contempt of (and fraud upon) all of the courts by attorneys.

The robo-orders I get are an embarrassment to the entire legal profession. Disputes are settled via conference, hearings, or trials....not brute force as is the case. It is the product of a terribly cruel and broken legal system; one that is broken inside the court by the judges blindly trusting the court staff and systems in violation American Bar Association Judicial Canons. It is the product of placing wrong data into what appear to be unedited systems. It is the product of fealty relationships among attorneys and court staff in a revolving door industry where they have no accountability to the judge, much less the public.

A Judge is Not the Court. People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

The various justice system workers hide behind the Judge's immunity. Judges are reduced to figureheads when they do not follow ABA canons, when they allow the staff fraudulently use the unedited court systems to cause evidence to go away, or when they are not cognizant of the content of the robo-signed orders. That is the situation in Eugene Oregon's District Court in my case and likely many other courts locally and federally in most other cases. Figureheads have no immunity and are criminals by virtue of accepting a public salary and not doing the job as intended, allowing unseen court staff to run the show in their name using broken unedited systems.

I respectfully request that the Court vacate the Orders and Judgments that were entered against me and allow this case to be conferred upon, settled, or tried. All I wanted was a trial of facts and evidence. **Let Defendant's obstruction and national record with regard to workers and customers speak to their guilt and culpability.**

I declare under penalty of perjury under the laws of the United States of America and the State of Oregon that the declaration is true and correct.

Signed /s/ _____ Andrew G. Clark, Plaintiff/Appellant June 7, 2019
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