Thomas Scott
6920 Bernadean Blvd.
Punta Gorda, FL 33982

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

THOMAS SCOTT, Plaintiff v. JOSEPH L. MICHAUD, MATTHEW H. MICHAUD, DOUGLAS H. SMITH, ALYSSA L. PARENT, STEVEN J. HART, SARAH TAFT-CARTER, BRIAN D. THOMPSON, DANIELLE C. KEEGAN, BRENDEN T. OATES, CLAUDIA M. ABREAU, JAMES D. SYLVESTER, MICHAEL K. ROBINSON, Individually and in their official capacities, Defendants	CASE NO. 1:22-cv-00354 ORAL ARGUMENT DEMANDED

PETITION FOR WRIT OF *MANDAMUS*/APPEAL FROM JUDGMENT

Up until this case and the one spawning it in state court, I had a decent amount of respect for the Rhode Island judiciary—more so than the judiciary in any other state. Most of the time, corruption was minimal or absent. Sadly, the instant case and its predecessor have turned 180 degrees from prior experiences.

There's no way Judge McElroy would have issued the orders on January 25, 2023, and opened the case without first giving it a "mandatory review pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)." It is quite clear from the short court docket what happened:

1. The court received my complaint on September 29, 2022, attached as exhibit "A."
2. Judge McElroy reviewed the complaint sometime over the four months the case was pending.
3. Since the case had *plenty* of validity, a "case opening notice" issued on January 25, 2023.
4. That day or the very next day, Joseph Leonard Michaud (hereinafter "Michaud") called the judge and lied to her as he has done *repeatedly* over the last twenty years in related matters and influenced her to block my access to justice.

5. After vacating everything shortly after the call, it took Judge McElroy two weeks to cobble together a bogus order, thinly veiled in "law," to justify her corrupt activities.

The docket has been attached as exhibit "B." The electronic docket is also available via PACER at https://www.pacermonitor.com/public/case/46286205/Oliver_v_Michaud,_et_al. The reason I know Michaud made the call is because this is his *modus operandi.* He has done this numerous times. He called several of my attorneys, lied, and violated civil and criminal law in the original case against him and his client in order to reverse the legitimate judgment given to me and turn it into a fraudulent judgment for his client; he called the Department of Injustice and lied to them in order to block the bankruptcy court's discharge of the fraudulent debt he created; and he has done so a third time in an attempt to block justice once again in the instant case by wrongly preventing it from being heard, which is a violation of my constitutional rights and is precisely one of the reasons for this lawsuit in the first place! See www.stloiyf.com/evidence/letter.htm and www.stloiyf.com/complaint/complaint.htm for just a sampling of the rampant corruption that has plagued my related cases over the last two decades, which includes, to a large extent, the gross misconduct and criminal acts of Michaud.[1] This upstanding citizen has also been sued at least two other times. One matter was an action related to wind turbines, and another involved union issues. For him to be so brazen as to call Judge McElroy in order to interfere with the instant case is mind-boggling considering that he was reprimanded in an unrelated matter just days ago by the Massachusetts Supreme Court.

Furthermore, the evidence is clearly revealed in the docket and through other sources if careful examination is rendered. Courts do not open cases, especially those requesting *in forma pauperis* status, without careful consideration. After electronic notice was given about the case being opened, Michaud got email notification of it through PACER, or one of the other several defendants did who then contacted him. I emailed PACER support and asked if it is possible to receive automated notifications of case openings based on party names. In an email response of February 16, 2023, I was told it is quite possible. Their software is set up for such functionality. See exhibit "C." Michaud promptly called Judge McElroy

[1] Under the incorporation by reference doctrine, a court may consider documents whose contents "are not physically attached to" the filing. *In re Silicon Graphics Inc. Sec. Litig*., 183 F.3d 970, 986 (9th Cir. 1999).

to complain that he was being sued for his criminal misconduct and that he didn't like it and wanted to keep the condominium he stole from my mother and its rental income that he is stealing from me.

Also, the judge would not have waited *almost two weeks* after vacating all her previous orders to issue her terminating "order" if she had *valid* reason to do so. She would have had the reason, vacated the orders, and dismissed the complaint all at the same time. The reason it took so long is that she had to contrive a reason for dismissal after receiving the call, and she manipulated events and the court record in order to stop marshals from serving papers so that the court's precious funds would not be wasted on true justice. Reading the "order" of February 7, 2023, it is abundantly obvious that Judge McElroy—or whoever wrote it and gave it to her for rubber stamping—was grasping at straws to dismiss the case. For the sake of this petition/appeal, the presumption will be that she authored it.

Judge McElroy contends that my complaint, "even taking its allegations as true, does not state a plausible claim for relief and should be dismissed." A statement such as this is so incredibly ridiculous. Count eight, which she omits in her order, is a straightforward count for which evidence is uncomplicated and readily available, is unquestionably a "plausible claim," is most certainly a federal question, is 100 percent true, and is easily provable. To pass § 1915(e) muster, a pleading must contain "(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which may include relief in the alternative or different types of relief." Fed. R. Civ. P. 8(a). My complaint meets all such requirements and was drafted better than 95% of lawyers' pleadings.

28 U.S. Code § 1915(e)(2) is crystal clear:

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—
- (A) the allegation of poverty is untrue; or
- (B) the action or appeal—
  - (i) is frivolous or malicious;
  - (ii) fails to state a claim on which relief may be granted; or
  - (iii) seeks monetary relief against a defendant who is immune from such relief.

None of the above applies in the instant case. Judge McElroy says, "So that the plaintiff understands why the [c]ourt is denying him the ability to proceed....." Make no mistake. I definitely understand why, and the reason was given in item 4 on page 2. In footnote 2, she points to immunity, and although she states that "absolute immunity of one of the defendants, a state court judge" prevents suit against him or her, this is incorrect. It prevents *monetary* relief. Judges are *not* absolutely immune from declaratory or injunctive relief, which is exactly the relief I am seeking from one particular defendant who is a judge. Michaud, also a judge now, as repulsive as that is, committed the bulk of his misconduct, crimes, and injuries to me before he was appointed to the bench, but even if he committed any during his tenure as judge, the 2-prong requirement for immunity still avails him to liability in the form of damages. Furthermore, regarding a recent case, judges are not immune from damages either, as well they shouldn't be for egregious acts. The beloved *Stump* was blown out of the water with a ruling made last year that slapped the criminal judges involved in the "kids for cash" scandal with $206 million in damages.[2] Justice finally seems to be taking hold, at least in small steps, across the nation. Lastly, Judge McElroy says that "*one* of the defendants" is a state court judge (strong emphasis added). Actually, *two* defendants are state court judges. How would she possibly know that one is but not know that another is also? Why would one stick out to her more than the other wherein she would only allude to that particular defendant? A single phone conversation can be quite persuasive.

In her bogus ruling, Judge McElroy states that the court "previously granted both motions in error, on January 25, 2023. On the following day, those actions were vacated, leaving the two motions pending." Judge McElroy did not make any "error." It is not like this was her first or second week on the job. She has been a district judge for more than three years and has an extensive background in law. She has tried to cover her tracks and "engineer" the court record.....the same way the state courts did in the People's Republic of Massachusetts.....the same way the state courts did in Rhode Island.....and the same way the federal courts did and are still doing in California. In a nutshell, once the WLCS found out who I

[2] https://www.law360.com/pulse/articles/1521688/-kids-for-cash-judges-slapped-with-206m-damages-ruling

am and who one of the defendants is, it basically said, "Hey, we can't have this case continue in this direction; we need to change its course." It's sickening to say the least.

Norma Oliver has absolutely nothing to do with the complaint and is not named as a defendant in it. She is ***not*** the one who is stealing the rent monies from me as Judge McElroy implies. Therefore, the "reasons" she gives twist and distort reality. As manager of the property I had been collecting rents for years. If what she claims is correct, that I gave the property away, which it is, then she is making my case for me because of her zeal to steer it in the direction of her friends. Why have the defendants stolen the property through a fraudulent sale to satisfy a fraudulent debt they created and attributed to me, not Norma Oliver, who also has never had any real financial obligation to any of the defendants whatsoever? This question is, in fact, the gravamen of multiple counts in my complaint.

In footnote 3, the judge mentions some of the factors that lead to her "$3 [m]illion plus" figure, but uses cursory wording of "other compensatory damages" and conveniently leaves out the $286,727.92 in interest and penalties I will incur with the IRS. This sum in itself easily eclipses the $75,000 diversity requirement. I would not have incurred such costs if not for the criminal actions of the defendants.

Next, Judge McElroy states, "there is no constitutional right to a virtual hearing." Nowhere in my complaint do I claim there is. There is also no constitutional right for white people to sit in the front of the bus, with black people being forced to sit in the back, but Rosa Parks set that nonsense straight.[3] What I ***do*** say is that denying certain litigants such a hearing while allowing it to others is "discrimination against a class, i.e., the class of *pro se* litigants"—a clear constitutional violation of equal protection.

McElroy then completely mischaracterizes my RICO claims. Courts have interpreted the term "enterprise" very broadly, and since circuits have ruled that "a court can be an enterprise for the purposes of RICO," the Superior Court of Rhode Island is exactly that enterprise.[4] However, while the Rhode Island state court is the "enterprise" as it can be according to law, none of the three RICO counts in the complaint are "against a municipality" or the court itself. Therefore, her analysis and supporting case law

[3] "It is better to protest than to accept injustice." Rosa Parks, *Montgomery Bus Boycott* (United States: 1955-1956)
[4] *Peia v. United States*, 152 F. Supp. 2d 226, 235 n.11a (D. Conn. 2001). See also *Averbach v. Rival Mfg*. Co., 809 F.2d 1016, 1018 (3d Cir. 1987) and others.

are inapposite. From *Cianci*, which is not on point: "It is not necessary in proving the existence of an enterprise to show that each member of the enterprise participated in or even knew of all of its activities." In *Cianci*, the "enterprise" was charged in an indictment, whereas here that has not happened. Additionally, my complaint is against individuals. Of note in *Cianci*—parallel to the instant case with regard to member/defendant status of the "enterprise"—is that "the [c]ity was named a member of the charged enterprise, not a defendant. The [c]ity 'shared' in the enterprise's purpose only to the extent of the defendants' considerable influence and control....."

Additionally, there are two distinct "enterprises" in the complaint: one in the traditional sense and one an association-in-fact strictly against Michaud, the latter of which she does not address. She then comes to the faulty conclusion that there is no "basis for federal [question] jurisdiction" after completely omitting this second RICO enterprise, count eight: violation of 11 U.S. CODE § 362, and several constitutional violations, including, but not limited to, the conspiracy between Michaud and trial court personnel, falsifying court records, predetermining the outcome of cases, and more in her "order."

Diversity of jurisdiction requires that no plaintiffs are residing and domiciled in any of the states of the defendants and that all litigants are residing in the United States. I made quite clear that the complaint satisfies this requirement and that I am not "domiciled abroad." I specifically stated I am a "U.S. citizen residing and domiciled in the United States of America" (emphasis added). The plaintiff in *Rivero-Parra* concerned "a United States citizen residing in Japan." That court also said, "Plaintiff must demonstrate that he is a citizen of one of the fifty states," which I have done. It didn't say how to "demonstrate"—that any particular street address is required, much less in any particular state. In *Cormier*, the same analysis applies. Simply stating that someone is ***not*** a citizen of a certain state—without adding but "residing and domiciled in the United States"—does not meet diversity requirements "because some persons and entities are considered 'stateless'," those residing overseas, for instance. As I said earlier, I affirmed in the complaint that I was residing and domiciled in the United States but not in the states of any of the defendants, who are alleged to be residing and domiciled in the United States. No doubt remains that jurisdiction has been alleged to be diverse, and assertions and allegations in a

complaint are to be taken as true.

Once again, her analysis is inapposite. She also refers to "caginess about where" I live. I do not provide a street address because of who I am. When someone is the arch enemy of the entire U.S. legal system and the world's leading expert on the corruption in it, he has to take extra protective measures. I've been told that the system sent its lackeys to a certain residence looking for me with their hands on their weapons, most likely to cap me, throw my body in their trunk, and dump it in a swamp. I also have had federal agents looking for me at certain other locations. I do not take kindly to this and consider such actions highly threatening and dangerous. In the last paragraph of her order, Judge McElroy fails to mention any of her "other reasons" for dismissal.

In addition to what I have provided countering the written order issued on February 7, 2023, settled law forbids dismissal on grounds Judge McElroy gives. It requires that "a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable, and that a recovery is very remote and unlikely." *Alam v. Miller Brewing Co*., 709 F.3d 662, 666 (7th Cir. 2013) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). Moreover, the U.S. Supreme Court has made clear that all of the allegations in a plaintiff's complaint must be accepted "as true", and it will survive dismissal unless "it is clear that 'no relief could be granted under any set of facts that could be proved consistent with the allegations.'" *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984). Even assuming her argument was true, all counts have been pled thoroughly enough to more than meet the above requirements.

As stated in my complaint, the court must construe it liberally because I am a *pro se* litigant, which Judge McElroy certainly did not do. The complaint should not have been dismissed. *Sua sponte* dismissal is proper only when it is patently obvious that the plaintiff could not prevail on the facts alleged and it would be futile to allow the plaintiff to amend. *Andrews v. Heaton*, 483 F.3d 1070, 1074 (10th Cir. 2007); *Curley v. Perry*, 246 F.3d 1278, 1281–82 (10th Cir. 2001). Again, taking just count eight—one of the simplest of the sixteen—as an example, there is absolutely no way I would not prevail if facts and evidence are allowed to speak.....and justice is served.

Judge McElroy claims my complaint "does not state a plausible claim for relief," but does not state what part of the complaint, if any, is not a "plausible claim" anywhere in the order. To survive dismissal, the *Twombly* court said that the claim must be "plausible on its face," meaning that the plaintiff must plead sufficient factual allegations to "allow[] the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Once more, taking just count eight as an example, it alone could not be any more "plausible" than what has been pleaded. The judge insists that 2 + 3 = -72 and wants everyone else to believe that.

When I called the court on February 17, 2023, and spoke with Kayla, she said she has never seen an IFP motion be granted and an opening order be issued, then be vacated, and then the complaint be dismissed weeks later. That's because it's never happened.....before now. If the judge can be swayed by a single phone call from someone who belongs in prison for his many crimes and who has exactly *zero* evidence, yet not allow a plaintiff who has 100 percent rock-solid evidence to proceed, then she is certainly not a judge I want presiding over my case. In fact, she should be permanently removed from the bench, if not imprisoned. If she stays on the case, the first thing she will do when the opposition files anything whatsoever with the court is dismiss it again. This is unacceptable and a clear violation of my constitutional rights. The injustice to which she has been part is the reason judges cannot be trusted and is specifically why I demanded a jury trial.

While there have been countless cases in U.S. history that have had greater injustices, the execution of George Stinney Jr., for example, none have had more instances of *intentional misconduct and criminal acts* than this one and its relatives. They have overtaken first place from the notorious criminal case underlying *Fields v. Wharrie*[5] when it comes to pure nefarious activity. I don't like when street criminals commit crimes against me, which has happened only a handful of times. I don't like it, but I can handle it. What I absolutely ***can't*** handle is when criminals within the WLCS commit crimes against me, which has happened dozens upon dozens of times, and not only deny their crimes, but then other system members cover for them by trying to hide evidence or redact records. I am living in extreme

[5] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 31.

poverty on a *negative* income of approximately $470 per month, i.e., I am losing that amount of money each month in order to live since my meager living expenses exceed my even lower income by that amount. I was still living on the poverty line before $1,500 per month was taken from me after my mother's condominium was stolen by the defendants. I am on food stamps, a government-issued phone, and state medical assistance, thanks to the WLCS.

Current disposition cannot legally stand because courts have declared that a litigant cannot benefit by his own misdeeds or illegal acts as Michaud is trying desperately to do in the instant case. "'[Equitable estoppel] is wholly independent of the limitations period itself and takes its life, not from the language of the statute, but from the equitable principle that *no man will be permitted to profit from his own wrongdoing* in a court of justice.' (*Battuello*, supra, 64 Cal. App. 4th 842, 847-848, 75 Cal. Rptr. 2d 548, quoting *Bomba v. W.L. Belvidere, Inc.* (7th Cir. 1978) 579 F.2d 1067, 1070.)" *Lantzy v. Centex Homes*, 73 P. 3d 517 (Cal. 2003) (emphasis added to the highest degree).

Judges are supposed to uphold the law, not be the biggest violators of it. Instead of being outraged by the reprehensible behavior of someone who should know better because he is allegedly versed in law, Judge McElroy went out of her way to condone his criminal acts. Instead of reporting Michaud for his illicit contact and additional crimes, she decided to improperly allow his *ex parte* communication and be complicit in his crimes. The high court in *United States v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980), citing *Cohens v. Virginia*, 6 Wheat. 264 (1821) was clear: a court "must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. *We have no more right to decline the exercise of jurisdiction which is given than to usurp that which is not given.* The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them" (emphasis original).

Moreover, what Judge McElroy has done, in and of itself, establishes a criminal "enterprise" according to the Seventh Circuit, which held that the Circuit Court of Cook County was a criminal

enterprise by virtue of the judges' failure to report the criminal activities of other judges. See *U.S. v. Murphy*, 768 F.2d 1518, 1531 (7th Cir. 1985). In addition to the misconduct of and crimes committed by Michaud and his minions, she has also thus violated 18 U.S.C. § 2, 3, and 4 and is opening herself up to suit under the very violations and crimes that she is trying her best to hide.

Of note is another smoking gun. After Judge McElroy wrongly dismissed the complaint, she immediately went looking for any other cases I had pending and found 1:22-CV-00421. She dismissed it for the very same diversity "reason" so that the dismissal of the instant case wouldn't look so concocted. If she had allowed my case against Fidelity to continue but not the instant case, that would have been a blaring red flag. However, in her enthusiasm to block me, she dismissed it on the very same day, February 7, 2023. She wasn't even smart enough to wait several weeks to make it not look so obvious. There is no way *Fidelity* would have been next in the queue since it was filed almost two months after I filed my first case.

I am sick and tired of the system blocking me from justice. If the case was against me, the judge sure as hell would have allowed it to continue after what has now become abundantly apparent. Not only that, she would have contrived a judgment against me as so many corrupt judges have done over the last several decades. Just because a judge says something that is wrong or false doesn't mean it is then true. It means the judge is corrupt. A judge could say—or order—that gravity doesn't exist. We all (should) know that such a statement is false. The absolute worst the judge should have done is filed an order for me to amend, not completely dismiss the complaint, if there was any legitimacy to this whole charade.

Since this paper is more a request for *mandamus* than an appeal (but has been titled an appeal to preserve any rights), I have not filed notice with the lower court. I have specifically not done so because Michaud would get notified, call this court, and once again likely contaminate the case. As with any matter, this one should be decided on facts and law, not lies and criminal influence.[6]

This *mandamus* wouldn't be complete without discussing highly unlikely mathematical

[6] "Artists use lies to tell the truth, while politicians [and members of the legal system] use them to cover the truth up." Evey Hammond (Natalie Portman), *V for Vendetta* (United Kingdom: Silver Pictures/Warner Bros., 2006)

probabilities. Perhaps the most striking evidence against everything transpiring in this case and its ancestors according to law is the fact that I have been ruled against ***sixty*** consecutive times whenever I have been opposed or have filed an initial pleading with the court. Chances of such rulings purely happening naturally and *without bias or external influence* are absurdly improbable, that being 1 in 1,152,921,504,606,846,976, or less than 0.00000000000000009 percent. Hitting Powerball is relatively easy since the chances of winning that jackpot are 3,945,640,744 times greater because they are *only* 1 in 292,201,338. Considering that the chances of getting killed by a falling satellite are 1 in 21 trillion (55,000 times greater) and taking a 100-question multiple-choice quiz by purely guessing on every single question, yet getting all the answers correct, are 1 in 750 trillion (1,537 times greater), no doubt remains that the events in my legal battles have been rigged right along.[7]

Finally, I reiterate that I am not asking for a fee-waiver in this matter. In fact, I do not want a waiver. What I want is *pre-payment* of fees as stated in my motion filed on September 29, 2022. I want the court to have a stake in the game so that it doesn't tinker with my case.....yet again.[8] In order for justice to prevail, the instant matter and 1:22-CV-00421 *must both* be unvacated, assigned to a different judge, and be heard by a jury.

February 21, 2023

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Thomas Scott, *pro se*
6920 Bernadean Blvd.
Punta Gorda, FL 33982

When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society, but the people themselves. - **Thomas Jefferson**

[7] https://www.jetpunk.com/users/sacheth9/blog/whats-the-most-unlikely-thing-that-can-happen-to-you
[8] "People should not be afraid of their governments. Governments should be afraid of their people." V (Hugo Weaving), *V for Vendetta* (United Kingdom: Silver Pictures/Warner Bros., 2006)

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THOMAS SCOTT, Plaintiff v. JOSEPH L. MICHAUD, MATTHEW H. MICHAUD, DOUGLAS H. SMITH, ALYSSA L. PARENT, STEVEN J. HART, SARAH TAFT-CARTER, BRIAN D. THOMPSON, DANIELLE C. KEEGAN, BRENDEN T. OATES, CLAUDIA M. ABREAU, JAMES D. SYLVESTER, MICHAEL K. ROBINSON, Individually and in their official capacities, Defendants	CASE NO. JURY TRIAL DEMANDED

COMPLAINT FOR TORTIOUS CONDUCT

Pursuant to RI Gen. Laws § 7-14-1 et seq., § 9-1-2, § 9-4-9, § 9-20-4, § 9-21-2, § 9-26-4, § 9-30-1 et seq., § 19-14.9-6, § 34-18-37; MA Gen. Laws c. 268 § 13B; 11 U.S. Code § 362; 15 U.S. Code § 1673; 18 U.S. Code § 152, § 157, § 1341, § 1512, § 1951, § 1956, § 1957, § 1961, § 1962, § 1964; 28 U.S. Code § 1331 and § 1332; 42 U.S.C. § 1983; the Constitution of Rhode Island; and the U.S. Constitution, Plaintiff brings this complaint as a result of the defendants' tortious and criminal acts committed on many dates, the first of which began after September 1, 2014. "Defendant" will mean both the singular and the plural herein, but the term will be clarified with an associated name whenever necessary.

JURISDICTION AND VENUE

"[T]he traditional justification for diversity jurisdiction is to minimize potential bias against out-of-state parties." *Firstar Bank, N.A. v. Faul*, 253 F.3d 982, 991 (7th Cir. 2001) (citing *Guar. Trust Co. of N.Y. v. York*, 326 U.S. 99, 111 (1945); *Bagdon v. Bridgestone/Firestone, Inc.*, 916 F.2d 379, 382 (7th Cir.1990)). Diversity jurisdiction is meant to "open[] the federal courts' doors to those who might otherwise suffer

from local prejudice against out-of-state parties." *Hertz Corp. v. Friend*, 130 S. Ct. 1181 (2010) (citations omitted) (reversing district court's finding that jurisdiction was lacking). The facts and evidence clearly show that Plaintiff has suffered prejudice on many occasions in the Massachusetts state courts—and now apparently in the Rhode Island state courts.

The district court has subject matter jurisdiction pursuant to 28 U.S. Code § 1332 since litigants are citizens of different states and the matter in controversy exceeds the sum or value of $75,000, and pursuant to 18 U.S. Code § 1964 because counts 13 to 15 involve RICO, and pursuant to 28 U.S. Code § 1331 because counts 1, 6, 8, and 12 involve other federal laws/constitutional issues. Litigants in this matter are residents of at least three different states.

The Parties—Plaintiff

- Thomas Oliver is a U.S. citizen residing and domiciled in the United States of America but not in Rhode Island or Massachusetts.

The Parties—Defendants

- Joseph L. Michaud is believed to be a U.S. citizen residing and domiciled at 31 Slades Farm Lane, South Dartmouth, MA.
- Matthew H. Michaud is believed to be a U.S. citizen residing and domiciled at 127 High Hill Road, North Dartmouth, MA.
- Douglas H. Smith is believed to be a U.S. citizen residing and domiciled at 140 Reservoir Avenue Providence, RI.
- Alyssa L. Parent is believed to be a U.S. citizen residing and domiciled at 19 Jonathan Street, New Bedford, MA.
- Steven J. Hart is believed to be a U.S. citizen residing and domiciled at 7 Regalwood Drive, Coventry, RI.
- Sara Taft-Carter is believed to be a U.S. citizen residing and domiciled at 24 South Bay Drive, Narragansett, RI.
- Brian D. Thompson is believed to be a U.S. citizen residing and domiciled at 3 High St, Smithfield, RI.
- Danielle C. Keegan is believed to be a U.S. citizen residing and domiciled at 157 Lang Drive, North Kingstown, RI.
- Brenden T. Oates is believed to be a U.S. citizen residing and domiciled at 12 Crestview Drive, Smithfield, RI.
- Claudia M. Abreau is believed to be a U.S. citizen residing and domiciled at 651 Norton Avenue, Taunton, MA.
- James D. Sylvester is believed to be a U.S. citizen residing and domiciled at 37 Hunters Knoll, Smithfield, RI.
- Michael K. Robinson is believed to be a U.S. Citizen residing and domiciled at 22 Homeward Lane, North Attleboro, MA

Venue is governed generally by 28 U.S. Code § 1391(b). Subsection (1) does not apply because the defendants are alleged to be residents of different states. Subsection (2) determines proper venue for this matter since it states: "A civil action may be brought in—a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated," and the property in question is located in Rhode Island.

INTRODUCTION

1. The incredible saga that is the genesis to this complaint began twenty years ago when Plaintiff, working as a small business, BR Enterprises, performed work for defendant Parent totaling $4,313.95. On July 18, 2014, he transferred ownership of the condominium located at 116 Rocky Brook Way, Wakefield, Rhode Island, (hereinafter "the property") to Norma Oliver because he strongly suspected he would be a target for litigation—particularly after his experience with the corrupt courts in Massachusetts, because the information in his first book could be misconstrued as legal advice despite the disclaimer in it, and because he named defendants J. Michaud and Parent and described their offenses in it. Lo and behold, Plaintiff's prediction came true. He was originally and rightfully given a default judgment of $11,271.53 on August 27, 2014, for nonpayment of the work he did for defendant Parent. Until then the Massachusetts courts had not done anything corruptly or illegal in the case. However, soon afterward, defendant J. Michaud made a phone call[9] and conspired with defendant Abreau to take the first step towards reaching a predetermined alternate outcome by illegally transforming the legitimate default judgment awarded to Plaintiff into a fraudulent judgment for his client, defendant Parent.

2. Email correspondence received by Plaintiff from the court on September 8, 2014, confirms the default judgment being illegally vacated. The falsified court record, however, shows that on September 15, 2014, it was vacated as "issued in error," which is not true. The reason for the lie is that defendant J. Michaud called the court in a panic because he erred by not filing a timely responsive

[9] It is possible defendant J. Michaud visited the court rather than called it, but his *modus operandi* is to make phone calls as he did to several of Plaintiff's attorneys (while violating criminal law M. G. L. c. 268 § 13B) and to the U.S. Trustee's Office (while violating 18 U.S. Code § 152, § 157, and other criminal laws). The type of contact he made will not be known any earlier than during discovery. Accordingly, everywhere in this complaint where a form of the word "call" is used with regard to defendant J. Michaud contacting the Massachusetts court, it really means some form of the phrase "call or visit."

pleading, and he either did not want to or would not be able to attend a court hearing—for any pleadings or motions he then wanted to file *nearly nine years late*—before the judgment would become enforceable. Defendant Abreau therefore vacated the judgment beforehand as a favor to him or as a result of bribery—in violation of the rules of procedure and Plaintiff's right to due process. Ample proof of such malicious behavior exists. One piece of indisputable evidence is the email Plaintiff received from the court on September 8, 2014, saying the judgment had been vacated. However, the court first officially mentions its "error" (really a non-existent error) on the docket on September 15, 2014, coincidentally several days *after* defendant J. Michaud filed his motion to vacate judgment on September 9, 2014—which was a day *later* than the email Plaintiff received from the court—and *prior* to any hearing for the motion. Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Judge Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn't somehow unvacate itself.

3. On September 10, 2014, Plaintiff received an additional email from the court clerk saying "the judgement [*sic*] was entered in error." The implication of any error is just not true according to civil procedure rule 55(b)(1), which is the rule under which Plaintiff filed for default judgment. Although the state district court said that the default judgment was entered in error, it was not. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the contrived court record are all part of a smokescreen to cover up a call by defendant J. Michaud to the court on or before September 8, 2014, in order to get the judgment orally and illegally vacated. This is nothing less than conspiracy to commit fraud and is clearly intentional misconduct. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the call and the conspiracy.

4. Plaintiff knows this call was made because a package from defendant J. Michaud was delivered by U.S. mail not long after September 8, 2014, to the mailing address Plaintiff gave to the court by email on August 28, 2014. The only way defendant J. Michaud could have possibly known about this

address is via contact with the court since this was not the residential address of Plaintiff.

5. Interestingly, the Massachusetts courts denied any existence of "fraud, corruption, and violations of court rules and statutes." However, shortly after doing so, in 2018, the year defendant J. Michaud was appointed judge, M. G. L. c. 268 § 13B—a criminal law that Plaintiff *repeatedly* demonstrated in multiple court papers that defendant J. Michaud had violated several times—magically changed. The change was made so that his misleading and intimidation of Plaintiff's attorneys—and their subsequent withdrawals—was no longer considered a crime under the new version of this law and defendant J. Michaud could not be prosecuted—which, of course, had he been, would have put a damper on the plans to appoint him judge.

6. Defendant Parent, seemingly through her lawyer at the time, entered the fraudulent judgment she obtained in Massachusetts in the Rhode Island Superior Court (case number WC-2016-0053; allegedly filed February 3, 2016; still pending; and hereinafter "the RI case"). That lawyer has apparently withdrawn and been replaced with defendant Smith. In the process of attempting to collect the "debt" that is the result of the fraudulent judgment defendants Parent and J. Michaud obtained for themselves in Massachusetts (hereinafter, "the fraudulent debt"), Defendant has ignored rules of procedure, the code of conduct, the law, and the U.S. Constitution and—in doing so—has managed to remove the rightful owner of the property, Norma Oliver, from the deed/title of it via the RI case. The defendants' grossly negligent acts and intentional misconduct have caused financial and psychological injury to Plaintiff. As such, Defendant is liable for both compensatory and punitive damages.

7. This is an action for tortious conduct with the following causes:

- CONVERSION/CIVIL THEFT IN VIOLATION OF 15 U.S. CODE § 1673 AND RI GEN. LAW § 9-26-4
- VIOLATION OF RI GEN. LAW § 9-26-4, PROPERTY EXEMPT FROM ATTACHMENT
- VIOLATION OF RI GEN. LAW § 34-18-37, IMPROPER TERMINATION OF PERIODIC TENANCY
- WRONGFUL ATTACHMENT
- INTENTIONAL INTERFERENCE WITH ECONOMIC ADVANTAGE
- VIOLATION OF CONSTITUTIONAL RIGHTS

- ABUSE OF PROCESS
- VIOLATION OF 11 U.S. CODE § 362, AUTOMATIC STAY DURING BANKRUPTCY
- NEGLIGENCE/VIOLATION OF RI GEN. LAW § 9-20-4 AND § 9-26-4
- ACTUAL FRAUD/CONCEALMENT
- CIVIL CONSPIRACY
- LIABILITY PURSUANT TO 42 U.S.C. § 1983
- VIOLATION OF 18 U.S. CODE § 1962(b), RICO
- VIOLATION OF 18 U.S. CODE § 1962(c), RICO
- VIOLATION OF 18 U.S. CODE § 1962(d), RICO
- INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

This is a *pro se* complaint entitled to a liberal reading and less stringent standards since it was prepared without assistance of counsel. See *Haines v. Kerner, et al.*, 404 U.S. 519, 92 S. Ct. 594 (1972).

COUNT ONE: CONVERSION/CIVIL THEFT IN VIOLATION OF 15 U.S. CODE § 1673 AND RI GEN. LAW § 9-26-4

8. This count is against defendants Parent, J. Michaud, M. Michaud, Hart, Smith, Sylvester, and Robinson (the "Count 1 Defendants").

9. On April 25, 2022, Plaintiff received an email from Anthony Tortolano, the tenant renting the property: "So I had to get my real estate lawyer involved with this situation because of the contact from the court constable, etc…..I was instructed to pay the rent to the 'new' owners by my lawyer and James [Sylvester, the court constable]." Based on the actions of defendants Robinson and Sylvester and other actions following the entry of the fraudulent judgment in the Rhode Island Superior Court by defendant Parent, including, but not limited to, the steps defendant Smith took to move the case through the court and cause corruption of title to the property and the notices left at or sent to the property by defendants J. Michaud, M. Michaud, Sylvester, and Hart, the Count 1 Defendants have thus caused the $1,500 monthly rental income due to Plaintiff under the provisions of the existing lease for the property to be diverted away from him so that he now receives none of the rent money.

10. Irrespective of the legitimacy of anything else related to the property, both state and federal

laws limit the amount of income that can be garnished. Based on Plaintiff's income, 15 U.S. Code § 1673(a)(2) sets the limit at $23.57 per month, but RI Gen. Law § 9-26-4(8)(ii) sets it at $0 per month.

11. Except for defendants Sylvester and Robinson, the Count 1 Defendants were notified by email—once on June 27, 2022, and again on July 5, 2022—and in filings in the RI case of garnishment law violations yet continue to convert monies due Plaintiff and failed to return amounts already converted and have thus financially crippled him. As of today, no known (written) court order has issued that dictates rent moneys for the property should be so diverted. With regard to civil theft, RI Gen. Law § 9-1-2 allows for double damages.

12. As a direct and proximate result of conversion/civil theft of rent by the Count 1 Defendants as stated in paragraph 9, Plaintiff has been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties. The Count 1 Defendants have also injured Plaintiff in his business/employment in the amount of $1,500 per month beginning April 2022, the calculations for which are shown in exhibit "A."

13. The Count 1 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties and $3,000 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT TWO: VIOLATION OF RI GEN. LAW § 9-26-4, PROPERTY EXEMPT FROM ATTACHMENT

14. This count is against defendants Parent, J. Michaud, M. Michaud, Hart, Smith, Sylvester, and Robinson (the "Count 2 Defendants").

15. RI Gen. Law § 9-26-4(8)(ii) specifically says, "The entire wages or salary of any debtor due or payable from any employer, where the debtor has been the object of relief from any state, federal, or municipal corporation or agency for a period of one year from and after the time when the debtor ceases to be the object of such relief."

16. The Count 2 Defendants Parent and Smith were made aware that Plaintiff was receiving such relief because Plaintiff stated so in a motion filed in the RI case, which the Count 2 Defendants Parent and

Smith were served: "Just days ago I have been put on SNAP/food stamps. I am also on state medical aid and the Lifeline program." Evidence was attached to the motion showing that such relief had been ongoing since as early as January 5, 2022, and, in fact, predates 2016.

17. RI Gen. Law § 9-26-4(16) specifically says, "In addition to the exemptions herein, a debtor in bankruptcy may exempt an additional six thousand five hundred dollars ($6,500) in any assets" (emphasis added). Since the only major asset Plaintiff owns is his vehicle—valued at approximately $1,129—and he is currently still litigating in the bankruptcy court, the Count 2 Defendants' seizure of rent payments has exceeded the amount allowable according to law by $5,371[10].

18. As a direct and proximate result of the violation of RI Gen. Law § 9-26-4 by the Count 2 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A," or $5,371, whichever is greater. He has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

19. The Count 2 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties and $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT THREE: VIOLATION OF RI GEN. LAW § 34-18-37, IMPROPER TERMINATION OF PERIODIC TENANCY

20. This count is against defendants Parent, J. Michaud, M. Michaud, Hart, and Smith (the "Count 3 Defendants").

21. Although one notice from defendant Hart was received by Anthony Tortolano at "least three (3) months prior to the expiration of the occupation year," the lease applicable to Mr. Tortolano does not expire until September 30, 2022, so instructing him to move before then as defendant Hart did in this notice violated RI Gen. Law § 34-18-37. However, this notice amounts to nothing more than threats and harassment since the Count 3 Defendants have changed "ownership" of the property fraudulently.

[10] https://www.kbb.com/hyundai/accent/2009/gls-sedan-4d/?condition=fair&intent=trade-in-sell&mileage=150000&modalview=false&options=6466855%7ctrue&pricetype=trade-in&vehicleid=226661

22. Defendants J. Michaud and/or M. Michaud left at least one notice at the property shortly before April 7, 2022, threatening eviction and/or removal of belongings. Other harassing notices have been left at or sent to the property around this time frame by the Count 3 Defendants or their operatives.

23. As a direct and proximate result of the acts by defendants Parent and Smith regarding corruption of title to the property and the violation of RI Gen. Law § 34-18-37 by the Count 3 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

24. The Count 3 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties and $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT FOUR: WRONGFUL ATTACHMENT

25. This count is against defendants Parent, J. Michaud, M. Michaud, and Smith (the "Count 4 Defendants").

26. The property is not subject to attachment because it provides approximately 50 percent of Plaintiff's income, and since it has been levied and "sold" via the actions of the Count 4 Defendants, his income has become and remains negative and he has been forced into extreme poverty. The Count 4 Defendants' act of attachment and "sale" violates 15 U.S. Code § 1673 and RI Gen. Law § 9-26-4(8)(ii) and (16) and has injured Plaintiff.

27. In a letter dated March 25, 2021, defendant Smith addressed Norma Oliver, owner of the property, as if the property is exclusively hers—because it truly is. Defendant Smith knows that it is and stated, "In accordance with our written request, the Constable has scheduled a Constable's Sale of your real estate at 116 Rocky Brook Way, Unit 26, South Kingstown, Rhode Island." He continued: "If you plan to pay this matter in full prior to the sale, you must do so at our office....." Norma Oliver has never owed any debt—fraudulently obtained or otherwise—to the Count 4 Defendants and is not, and never

was, obligated to pay any monies to them. Defendant Smith has openly admitted that he is pursuing the wrong person to pay the fraudulent debt attributed to Plaintiff.

28. Norma Oliver has been the sole owner of the property since July 2014 and well before defendants Parent or J. Michaud filed any pleadings whatsoever in the originating case in Massachusetts; therefore, the Count 4 Defendants have wrongfully—either directly or indirectly—attached the property or benefited from its "sale" since Norma Oliver owes no debt to any of them.

29. As a direct and proximate result of the wrongful attachment of the property by the Count 4 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

30. The Count 4 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT FIVE: INTENTIONAL INTERFERENCE WITH ECONOMIC ADVANTAGE

31. This count is against defendants Parent, J. Michaud, M. Michaud, Hart, and Smith (the "Count 5 Defendants").

32. Plaintiff established a lease with a third party, Anthony Tortolano, beginning on October 15, 2020. In the lease, Mr. Tortolano is designated as tenant of the property, and Plaintiff is designated as landlord. This relationship stated that rent for the property was to be paid to Plaintiff on a monthly basis.

33. The Count 5 Defendants knew of this relationship because defendant J. and/or M. Michaud, defendant Hart, and other operatives of the Count 5 Defendants left harassing and intimidating notices at the property and/or sent them by U.S. mail addressed to Mr. Tortolano, including, but not limited to, threatening personal eviction and possibly other legal action, causing Mr. Tortolano to send rent payments to one or more of the Count 5 Defendants or to one of their operatives. As such, the Count 5 Defendants have deliberately interfered with the business relationship of Plaintiff and Mr. Tortolano. They have thus

caused serious economic harm to Plaintiff.

34. As a direct and proximate result of the intentional interference with economic advantage by the Count 5 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

35. The Count 5 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT SIX: VIOLATION OF CONSTITUTIONAL RIGHTS

36. This count is against defendants Smith, Parent, J. Michaud, M. Michaud, Hart, Oates, Taft-Carter, Thompson, Keegan, and Abreau (the "Count 6 Defendants").

37. Plaintiff was originally and rightfully given a default judgment of $11,271.53 on August 27, 2014, for nonpayment of the work he did for defendant Parent. Until then the Massachusetts courts had not done anything corruptly or illegal in the case. However, soon afterward, defendant J. Michaud made a phone call and conspired with defendant Abreau to take the first step towards reaching a predetermined alternate outcome by illegally transforming the legitimate default judgment awarded to Plaintiff into a fraudulent judgment for his client, defendant Parent.

38. Email correspondence received by Plaintiff from the court on September 8, 2014, confirms the default judgment being vacated. The falsified court record, however, shows that on September 15, 2014, it was vacated as "issued in error," which is not true. The reason for the lie is that defendant J. Michaud called the court in a panic because he erred by not filing a timely responsive pleading, and he either did not want to or would not be able to attend a court hearing—for any pleadings or motions he then wanted to file *nearly nine years late*—before the judgment would become enforceable. Defendant Abreau therefore vacated the judgment beforehand as a favor to him or as a result of bribery—in violation of the rules of procedure and Plaintiff's right to due process. Ample proof of such malicious behavior

exists. One piece of indisputable evidence is the email Plaintiff received from the court on September 8, 2014, saying the judgment had been vacated. However, the court first officially mentions its "error" (really a non-existent error) on the docket on September 15, 2014, coincidentally several days *after* defendant J. Michaud filed his motion to vacate judgment on September 9, 2014—which was a day *later* than the email Plaintiff received from the court—and *prior* to any hearing for the motion. Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Judge Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn't somehow unvacate itself.

39. On September 10, 2014, Plaintiff received an additional email from the court clerk saying "the judgement [*sic*] was entered in error." The implication of any error is just not true according to civil procedure rule 55(b)(1), which is the rule under which Plaintiff filed for default judgment. Although the state district court said that the default judgment was entered in error, it was not. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the contrived court record are all part of a smokescreen to cover up a call by defendant J. Michaud to the court on or before September 8, 2014, in order to get the judgment orally and illegally vacated. This is nothing less than conspiracy to commit fraud and is clearly intentional misconduct. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the call and the conspiracy.

40. Plaintiff knows this call was made because a package from defendant J. Michaud was delivered by U.S. mail not long after September 8, 2014, to the mailing address Plaintiff gave to the court by email on August 28, 2014. The only way defendant J. Michaud could have possibly known about this address is via contact with the court since this was not the residential address of Plaintiff.

41. Interestingly, the Massachusetts courts denied any existence of "fraud, corruption, and violations of court rules and statutes." However, shortly after doing so, in 2018, the year defendant J. Michaud was appointed judge, M. G. L. c. 268 § 13B—a criminal law that Plaintiff *repeatedly*

demonstrated in multiple court papers that defendant J. Michaud had violated several times—magically changed. The change was made so that his misleading and intimidation of Plaintiff's attorneys—and their subsequent withdrawals—was no longer considered a crime under the new version of this law and defendant J. Michaud could not be prosecuted—which, of course, had he been, would have put a damper on the plans to appoint him judge.

42. Defendant Taft-Carter prevented Plaintiff from having a virtual hearing on his motion to dismiss the RI case because, according to an email from her, the "protocol in effect" requires *pro se* litigants such as him to have in-person hearings, but allows virtual hearings to litigants represented by counsel, which is a clear act of discrimination against a class, i.e., the class of *pro se* litigants, thus violating the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.[11]

43. Via conversion of all rent payments for the property beginning on or about April 5, 2022, and continuing to present, defendants Smith, Parent, J. Michaud, M. Michaud, and Hart have intentionally taken more of Plaintiff's earnings than allowed by law. The highest written law of the land, the U.S. Constitution, says in its Due Process Clause of the Fourteenth Amendment, "nor shall any State deprive any person of life, liberty, or property, without due process of law." Since Plaintiff's earnings have been constructively garnished without him being heard in the RI case—and garnished excessively—and without any known court order of garnishment relevant to the fraudulent debt having been issued, he has been denied due process.

44. Defendants Smith, Parent, J. Michaud, and M. Michaud have also recklessly changed "ownership" of the property—or are responsible for it—without Plaintiff being heard in the RI case and without having been litigated the fraud in the case that caused the fraudulent judgment to issue in the first place and then later be entered in Rhode Island. Both are more violations of Plaintiff's right to due process.

[11] In *Morrison v. Lipscomb,* 877 F.2d 463 (1989), the Sixth Circuit decided that a judge was not entitled to judicial immunity for his decision to issue a temporary ban on "writs of restitution." Even though "no one but a judge could issue such an order," the order was administrative, and not judicial, because it "was a general order, not connected to any particular litigation," and it could not be appealed, as is the case here with the "protocol in effect."

45. Since Plaintiff was never personally served in the RI case, title for the property is still legally in Norma Oliver's name according to the U.S. Supreme Court in *Pennoyer v. Neff*, 95 U.S. 714 (1878): "This court now holds that, by reason of the absence of a personal service.....on the defendant, the [court] had no jurisdiction, its judgment could not authorize the sale of land in said county, and, as a necessary result, a purchaser of land under it obtained no title; that, as to the former owner, it is a case of depriving a person of his property without due process of law" (emphasis added). Moreover, laws authorizing garnishment or other seizure of property of an alleged defaulting debtor require that[12]:

- the creditor furnish adequate security to protect the debtor's interest
- the creditor make a specific factual showing before a neutral officer or magistrate, not a clerk or other such functionary, of probable cause to believe that he is entitled to the relief requested, and
- an opportunity be assured for an adversary hearing promptly after seizure to determine the merits of the controversy, with the burden of proof on the creditor.

46. No known evidence shows that any of the above requirements have been met by defendants Smith, Parent, Oates, Taft-Carter, Thompson, and Keegan who have denied Plaintiff due process.

47. Notice must be given in a manner that actually notifies the person or that has a reasonable certainty of resulting in such notice.[13] Defendants Smith, Parent, Oates, Taft-Carter, Thompson, and Keegan were never assured that Plaintiff knew the property had been sold or was about to be. Plaintiff did not suspect that title to the property had been corrupted until April 2022. Indeed, with a hearing for Plaintiff's motion to dismiss the RI case scheduled for June 15, 2022, Plaintiff did not expect anything detrimental to happen before then, particularly since he also filed a motion to stay many months earlier on October 27, 2021. Plaintiff's right to due process was violated since defendants Smith, Parent, Oates, Taft-Carter, Thompson, and Keegan provided no known notification to Plaintiff about the planned "sale" of the property on June 10, 2021, and defendants Smith and Parent or their operatives "bought" and/or

[12] *Mitchell v. W.T. Grant Co*., 416 U.S. at 615–18 (1974) and at 623 (Justice Powell concurring). See also *Arnett v. Kennedy*, 416 U.S. 134, 188 (1974) (Justice White concurring in part and dissenting in part). Efforts to litigate challenges to seizures in actions involving two private parties may be thwarted by findings of "no state action," but there often is sufficient participation by state officials in transferring possession of property to constitute state action and implicate due process.

[13] *Mullane v. Central Hanover Bank & Trust Co*., 339 U.S. 306 (1950); *Walker v. City of Hutchinson*, 352 U.S. 112 (1956); *Schroeder v. City of New York*, 371 U.S. 208 (1962); *Robinson v. Hanrahan*, 409 U.S. 38 (1972)

"sold" the property on that day. Plaintiff's right was similarly violated when defendant Taft-Carter seemingly allowed said transfer despite the motion to stay.

48. Rhode Island courts are notorious for infringing upon citizens' right to due process, which is demonstrated by a case that sought class certification. "In sum, we are in general agreement with the district court's conclusion that Rhode Island has not provided judgment debtors whose property it permits creditors to seize unilaterally by writ of attachment with sufficient, defined procedural process to meet the requirements of the due process clause of the fourteenth amendment." *Rose Dionne, Etc., Plaintiff, Appellee, v. Gerard Bouley, Etc., Defendant, Appellant. Rose Dionne, Etc., Plaintiff, Appellant, v. Gerard Bouley, Etc., Defendant, Appellee*, 757 F.2d 1344 (1st Cir. 1985). Of crucial note in that matter, "The United States District Court for the District of Rhode Island, in a comprehensive opinion, *Dionne v. Bouley,* 583 F. Supp. 307 (1984), held that current procedures were constitutionally insufficient. It enjoined defendant Gerard Bouley, Chief Clerk of the District Courts of the State of Rhode Island, from issuing writs of attachment thereunder." The evidence shows that at least two such relevant writs have been issued against the property by clerks of the Rhode Island Superior Court. On February 22, 2016, clerk Brian Thompson, defendant, issued one such writ, and on November 5, 2019, clerk Danielle Keegan, defendant, issued another. Therefore, such actions contravene rulings established by the United States District Court for the District of Rhode Island and have violated Plaintiff's right to due process.

49. As a direct and proximate result of the violation of the plaintiff's constitutional rights by the Count 6 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

50. Defendants Smith, Parent, J. Michaud, M. Michaud, and Hart severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. Because of the egregiousness of the offenses and as supported by settled law from the U.S.

Supreme Court regarding malicious intent or the reckless indifference to the rights of Plaintiff by the Count 6 Defendants, Plaintiff seeks punitive damages in the amount of $250,000 against defendants Parent, Smith, J. Michaud, M. Michaud, and Hart.[14] The remaining Count 6 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which, along with the table, cover the specific relief claimed against each defendant.

COUNT SEVEN: ABUSE OF PROCESS

51. This count is against defendants Parent, J. Michaud, M. Michaud, Hart, and Smith (the "Count 7 Defendants").

52. Assuming incorrectly for the moment that defendant Parent had a valid judgment against Plaintiff and then entered that judgment in the Rhode Island courts, which she did, such legal proceeding would then have been done in "proper form." However, the Count 7 Defendants have violated the plaintiff's constitutional rights, rules of procedure, various state and federal laws, and various elements of common law and have used the proceedings for an "ulterior or wrongful purpose" to attach and/or seize real property solely in Norma Oliver's name and to wrongly garnish Plaintiff's income. Moreover, the Count 7 Defendants have acted with malice and have not legally enforced any "judgment" against Plaintiff.

53. As a direct and proximate result of abuse of process by the Count 7 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

54. The Count 7 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. Because of the egregiousness of the offenses and as supported by settled law from the U.S. Supreme Court, Plaintiff seeks punitive

[14] *Smith v. Wade*, 461 U.S. 30 (1983): "The common law, both in 1871 and now, allows recovery of punitive damages in tort cases not only for actual malicious intent, but also for reckless indifference to the rights of others."

damages in the amount of $250,000 against the Count 7 Defendants.[15]

COUNT EIGHT: VIOLATION OF 11 U.S. CODE § 362, AUTOMATIC STAY DURING BANKRUPTCY

55. This count is against defendants Parent, J. Michaud, M. Michaud, and Smith (the "Count 8 Defendants").

56. Plaintiff filed for bankruptcy on February 28, 2020. The stay began on that day and continued through August 3, 2021. On June 10, 2021, Ronald Russo, as an agent for the Count 8 Defendants, "sold" the property in violation of the stay in effect at the time. "Selling" any property under such circumstances would make the sale and corresponding deed void as a matter of law. See, for example, *Albany Partners Ltd. v. Westbrook* (*In re Albany Partners, Ltd.*), 749 F.2d 670, 675 (11th Cir. 1984). See also *In re Soares*, 107 F.3d 969 (1st Cir. 1997) (Holding that action taken in derogation of the automatic stay is not merely "voidable" but "void").

57. As a direct and proximate result of the violation of the automatic stay by the Count 8 Defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

58. The Count 8 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT NINE: NEGLIGENCE/VIOLATION OF RI GEN. LAW § 9-20-4 AND § 9-26-4

59. This count is against all defendants.

60. Defendant Abreau illegally vacated the default judgment originally and rightfully given to Plaintiff after communicating with defendant J. Michaud on or before September 8, 2014. She did this either as a favor to defendant J. Michaud or because of bribery. Both of them intentionally, knowingly,

[15] *Heck v. Humphrey*, 512 U.S. 477 (1994)

and recklessly contravened the rules of civil procedure, law, and U.S Constitution.

61. Defendant Abreau also spoke with Norma Oliver on September 15, 2015, regarding rescheduling of the trial in the Massachusetts case and again sometime during the November or December time frame of that year regarding status of certain aspects of that case. However, Norma Oliver received no definitive information with respect to either but should have since the trial was scheduled for September 15, 2015, and the status was also available during the latter conversation.

62. Rhode Island clerks were precluded, according to *Dionne* as stated in paragraph 48, from issuing writs against property of alleged debtors—much less against property of others. Nonetheless, at least two clerks, defendants Keegan and Thompson, carelessly issued them against the property.

63. Defendants Parent and Smith should have contacted Plaintiff by phone, text, or email to give notice of proceedings in the RI case or, at a minimum, ask if process could be sent via one of these means to ensure it would be received. Plaintiff has provided his phone number and email address in various court records in several matters in many states and to which defendants Parent and Smith have access and/or have been a party. Rather than exercise due care by exhausting all means of communication to contact Plaintiff, they did not do so.

64. Defendants Robinson and Sylvester exhibited gross negligence when they failed to check if Plaintiff's income was subject to a court order for garnishment relative to the fraudulent debt and if any of his rental income could be taken under 15 U.S. Code § 1673(a)(2) or if it was exempt under RI Gen. Law § 9-26-4(8)(ii). They could have contacted Plaintiff through Anthony Tortolano to inquire about this; however, without doing so, defendants Robinson and Sylvester informed Mr. Tortolano to send rent payments for the property to other defendants or one of their operatives.

65. Relevant to statutes limiting garnishment of wages, the defendants who are known to be versed in law (Smith, J. Michaud, Hart, Taft-Carter, Robinson) should be aware of them. Plaintiff made perfectly clear in many court filings to which defendants Parent and Smith were privy that his income bordered on the poverty line. Defendants Parent, J. Michaud, M. Michaud, Hart, and Smith acted recklessly by failing to take proper precautions before garnishing more of Plaintiff's income than should

have been taken, which is $0 according to RI Gen. Law § 9-26-4(8)(ii).

66. According to Rule 4 of the Rhode Island rules of civil procedure and an email conversation Plaintiff had with defendant Keegan, out-of-state litigants are to be *personally* served process or served with a *signed receipt of delivery*, most likely to prevent this precise type of fiasco from occurring. No such service was made or, to the best of the plaintiff's knowledge, ever attempted.

67. RI Sup. Ct. R. Civ. P. 4(m)(3) states, "The writ of attachment.....shall be submitted to the court with a motion for its issuance." Nothing in the docket reveals such a motion ever being submitted or heard. The vacated hearing of June 15, 2022, was never entered into the court docket nor was any motion to continue by defendant Smith ever recorded. Most likely, he moved the hearing originally scheduled for that date by simply phoning the court and asking for it to be moved to July 15, 2022, which was then rescheduled again because of an alleged conflict according to the chief clerk, defendant Oates, in an email: the judge "will not be in Washington County during the week of July 15, 2022 [*sic*] as she has been assigned to a matter in Providence County that week." The hearing was then rescheduled for July 8, 2022, but was vacated again; however, this action was also never entered into the docket. One is left to wonder how many other important events have been omitted from the docket and/or short-circuited. The court has the duty to follow rules of procedure, the law, and the U.S. Constitution but has not done so.

68. RI Gen. Law § 9-4-9(a) requires that a *lis pendens* be filed in the town or city where property is situated whenever a legal action has been filed that concerns title to real estate. Defendants Smith and Parent failed to file such a document. It is possible that the town of South Kingstown, Rhode Island, would have contacted Plaintiff about such a document had it been filed, which would have given Plaintiff notice during the very early stages of the RI case that things were amiss. The town has called Plaintiff on multiple occasions regarding the property, for example, when issues related to taxes have arisen.

69. Defendant Parent knowingly filed the fraudulent judgment in Rhode Island and she and defendant Smith also negligently placed a lien on the wrong property. They acted with gross negligence—if not malice—by not removing the lien once informed that the property was owned solely by Norma Oliver.

70. As a direct and proximate result of the negligent acts by the defendants, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

71. Defendants Parent, Smith, J. Michaud, M. Michaud, Hart, Robinson, and Sylvester severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. The remaining defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which, along with the table, cover the specific relief claimed against each defendant.

COUNT TEN: ACTUAL FRAUD/CONCEALMENT

72. This count is against defendants Parent, J. Michaud, M. Michaud, Abreau, and Smith (the "Count 10 Defendants").

73. In the case in Massachusetts that gave rise to the fraudulent judgment entered in Rhode Island, rules of procedure, civil and criminal laws, the code of conduct, judicial canons, and the U.S. Constitution were not violated—they were obliterated. Evidence revealing the sheer magnitude of the egregious behavior of many actors can be found in nearly all of the hyperlinks at the following page: www.stloiyf.com/evidence/letter.htm. A complaint Plaintiff filed with the Department of Injustice that encompasses the fraud in the originating case and in his bankruptcy can be found here: www.stloiyf.com/complaint/complaint.htm.[16] See also chapter six in his second book, *Our American Injustice System*, which can be read at: www.oais.us.[17]

74. All the wrongdoing described in count nine, if done deliberately, constitutes fraud, if not conspiracy to commit fraud. Evidence revealed during discovery should provide enlightenment as to

[16] *Allen v. WestPoint-Pepperell, Inc.*, 945 F.2d 40, 44 (2d Cir.1991). The complaint may include: (1) documents incorporated by reference in the complaint; and (2) facts taken on judicial notice. *Pungitore v. Barbera*, No. 12-1795-cv, 2012 WL 6621437, at *2 (2d Cir. Dec. 20, 2012).

[17] https://www.amazon.com/Our-American-Injustice-System-Syndicate/dp/0996592970

whether those acts were negligent or deliberate and thus may be incorporated into this count.

75. Defendant J. Michaud's political connections with former U.S. Senator Scott Brown helped the level of fraud and corruption in the Massachusetts case that truly spawned this complaint reach astronomical levels. Fraud by the Count 10 Defendants includes, but is not limited to, the following:

- On at least three occasions from 2005 to 2015, defendant J. Michaud contacted Plaintiff's lawyers and—at least twice by his own admission—violated Massachusetts criminal law c. 268 § 13B in order to mislead and/or intimidate Plaintiff's lawyers to withdraw and get one step closer to transforming a legitimate default judgment in Plaintiff's favor into a fraudulent judgment in his client's favor. One example can be found here.
- In September 2014, defendant J. Michaud called the Massachusetts court. The purpose of his call was to vacate the legally sound default judgment originally given to Plaintiff, which defendant Abreau did merely as a result of receiving the phone call—a fraudulent act in clear violation of the rules of procedure, law, and Constitution.
- In September 2014, *nearly nine years late*, defendants Parent and J. Michaud filed a fraudulent answer and counterclaim. Proof can be found here.
- The court "docket" in that case was contrived/manipulated/falsified several times with incorrect information and in favor of defendants J. Michaud and Parent, which is easily proved and reflected in the evidence. One example can be found here.
- Plaintiff was told in an email not to contact the court about the case and was denied a trial—clear violations of his constitutional rights.
- Hearings were held clandestinely. One example can be found here.
- After defendant J. Michaud was appointed judge in 2018 and Plaintiff had *repeatedly* stated in many court filings that defendant J. Michaud had violated Massachusetts criminal law c. 268 § 13B, it magically changed so that he could not be prosecuted for multiple violations of it.
- After being the beneficiary of the judgment and likely viewing it as a "free lunch" but knowing full well that it was fraudulent, defendant Parent, seemingly through her then-counsel, entered it as a foreign judgment in the Rhode Island Superior Court, allegedly on February 3, 2016.
- Sometime during the period from March 1, 2020, and May 30, 2020, defendant J. Michaud contacted the U.S. Trustee's Office and, as a legally disinterested party, interfered with justice by conveying false information to someone employed by that office in order to block the discharge of Plaintiff's "debt." Seven distinct forms of evidence exist that prove he made contact.
- On or about March 25, 2021, defendant Smith sent a letter to Norma Oliver in Florida allegedly informing her that a "sale" of the property was planned—despite knowing that she owed no debt to him or defendant Parent and that the property was solely in Norma Oliver's name
- On June 10, 2021, defendant Parent "bought" the property during a fraudulent sale of it.
- On or about July 14, 2021, defendant Parent "sold" the property to FUBAR Realty Trust, to which defendant M. Michaud was trustee.

76. As a direct and proximate result of the Count 10 Defendants committing fraud, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

77. The Count 10 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. Defendant Abreau is also liable to Plaintiff who seeks declaratory and/or injunctive relief against her as reiterated and expounded in those paragraphs, which, along with the table, cover the specific relief claimed against each defendant.

COUNT ELEVEN: CIVIL CONSPIRACY

78. This count is against all defendants except Robinson and Sylvester (the "Count 11 Defendants").

79. Plaintiff was originally and rightfully given a default judgment of $11,271.53 on August 27, 2014, for nonpayment of the work he did for defendant Parent. Until then the Massachusetts courts had not done anything corruptly or illegal in the case. However, soon afterward, defendant J. Michaud made a phone call and conspired with defendant Abreau to take the first step towards reaching a predetermined alternate outcome by illegally transforming the legitimate default judgment awarded to Plaintiff into a fraudulent judgment for his client, defendant Parent.

80. Email correspondence received by Plaintiff from the court on September 8, 2014, confirms the default judgment being vacated. The falsified court record, however, shows that on September 15, 2014, it was vacated as "issued in error," which is not true. The reason for the lie is that defendant J. Michaud called the court in a panic because he erred by not filing a timely responsive pleading, and he either did not want to or would not be able to attend a court hearing—for any pleadings or motions he then wanted to file *nearly nine years late*—before the judgment would become enforceable. Defendant Abreau therefore vacated the judgment beforehand as a favor to him or as a result of bribery—in violation of the rules of procedure and Plaintiff's right to due process. Ample proof of such malicious behavior

exists. One piece of indisputable evidence is the email Plaintiff received from the court on September 8, 2014, saying the judgment had been vacated. However, the court first officially mentions its "error" (really a non-existent error) on the docket on September 15, 2014, coincidentally several days *after* defendant J. Michaud filed his motion to vacate judgment on September 9, 2014—which was a day *later* than the email Plaintiff received from the court—and *prior* to any hearing for the motion. Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Judge Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn't somehow unvacate itself.

81. On September 10, 2014, Plaintiff received an additional email from the court clerk saying "the judgement [*sic*] was entered in error." The implication of any error is just not true according to civil procedure rule 55(b)(1), which is the rule under which Plaintiff filed for default judgment. Although the state district court said that the default judgment was entered in error, it was not. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the contrived court record are all part of a smokescreen to cover up a call by defendant J. Michaud to the court on or before September 8, 2014, in order to get the judgment orally and illegally vacated. This is nothing less than conspiracy to commit fraud and is clearly intentional misconduct. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the call and the conspiracy.

82. Plaintiff knows this call was made because a package from defendant J. Michaud was delivered by U.S. mail not long after September 8, 2014, to the mailing address Plaintiff gave to the court by email on August 28, 2014. The only way defendant J. Michaud could have possibly known about this address is via contact with the court since this was not the residential address of Plaintiff.

83. Interestingly, the Massachusetts courts denied any existence of "fraud, corruption, and violations of court rules and statutes." However, shortly after doing so, in 2018, the year defendant J. Michaud was appointed judge, M. G. L. c. 268 § 13B—a criminal law that Plaintiff *repeatedly*

demonstrated in multiple court papers that defendant J. Michaud had violated several times—magically changed. The change was made so that his misleading and intimidation of Plaintiff's attorneys—and their subsequent withdrawals—was no longer considered a crime under the new version of this law and defendant J. Michaud could not be prosecuted—which, of course, had he been, would have put a damper on the plans to appoint him judge.

84. Regarding the first rescheduling of the June 15, 2022, hearing in the RI case, the chief clerk, defendant Oates, stated in an email that the change was made "by Justice Taft-Carter." In another email that was forwarded to Plaintiff, however, defendant Taft-Carter provided conflicting information when she said, "As I understand it [defendant Smith's] request for a continuance was made through the clerk's office." Defendant Smith wanted to change the hearing date, but its actual rescheduling was done in violation of due process and rules of procedure. Deflection by defendants Oates and Taft-Carter against each other supports this allegation and points to a civil conspiracy between defendants Smith and Oates or defendants Smith and Taft-Carter or between all three and perhaps others.

85. On June 10, 2021, nearly two full months before the automatic stay terminated in Plaintiff's bankruptcy, defendants Smith and Parent, through their agent, changed "ownership" of the property in violation of 11 U.S. Code § 362. Plaintiff requests that judicial notice of this fact be taken.[18] For defendants Smith and Parent to make such a bold maneuver, it stands to reason that they were informed of the fraudulent denial of the discharge of Plaintiff's "debt" weeks before it even happened on August 4, 2021, and were thus told of the bankruptcy's predetermined outcome.

86. Events in the RI case have been conspiratorially driven in favor of defendants Smith and Parent. Such events include, but are not limited to: a probable telephonic communication to move the original June 15, 2022, hearing because defendant Smith most likely forgot about it, coordination of issuing writs without submission of accompanying motions, creation of a docket that omits information, preventing Plaintiff from having a virtual hearing, and allowing the case to continue in the Rhode Island

[18] "In addition, the [c]ourt may 'take judicial notice of court filings and other matters of public record when the accuracy of those documents reasonably cannot be questioned.'" *Id*. (quoting *Parungao v. Cmty. Health Sys*., 858 F.3d 452, 457 (7th Cir. 2017))." *Economan v. Cockrell*, Case No. 1:20-CV-32, 11 (N.D. Ind. Nov. 23, 2020)

Superior Court despite service being absent upon Plaintiff.

87. Since it is difficult to identify all the culprits in a conspiracy and equally challenging to uncover all the evidence, discovery will be crucial, particularly since Plaintiff cannot see the contents of anything that has been recorded—or has failed to have been recorded—in the court "docket" or the further conspiratorial roles of defendants Hart and M. Michaud beyond what has already been alleged.

88. As a direct and proximate result of the civil conspiracy among the Count 11 Defendants and certain others, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

89. Defendants Parent, Smith, J. Michaud, M. Michaud, and Hart severally and jointly are thus liable to Plaintiff for compensatory damages of said interest and penalties plus $1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. Plaintiff also seeks punitive damages in the amount of $250,000 against defendants Parent, Smith, J. Michaud, M. Michaud, and Hart. The remaining Count 11 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which, along with the table, cover the specific relief claimed against each defendant.

COUNT TWELVE: LIABILITY PURSUANT TO 42 U.S.C. § 1983

90. This count is against defendants Parent, Smith, Oates, Taft-Carter, Thompson, Keegan, J. Michaud, and Abreau (the "Count 12 Defendants").

91. The Count 12 Defendants violated the civil rights of Plaintiff while acting under color of "statute, ordinance, regulation, custom" when:

- defendant Abreau wrongly and corruptly vacated the original legitimate default judgment awarded to Plaintiff based upon the lies and misinformation of defendant J. Michaud, who conspired with her to achieve this goal, thus violating due process
- defendant Smith conspired with defendants Thompson and Keegan, which resulted in the latter two issuing writs against the property—contrary to the ruling in *Dionne*—thus violating due process

- defendant clerks Oates, Thompson, and/or Keegan failed to record properly in the docket events in the RI case—a basic duty of a clerk—raising the concern about how much of the RI case has been short-circuited and, furthermore, preventing Plaintiff from ascertaining what is really happening, thus violating due process
- the chief clerk, defendant Oates, and the judge, defendant Taft-Carter, provided Plaintiff with conflicting information regarding the first rescheduling of the June 15, 2022, hearing, with each blaming the other for the rescheduling and that hearing ultimately not being held, thus violating due process
- Plaintiff was prevented from having a virtual hearing on his motion to dismiss the RI case because, according to the judge, defendant Taft-Carter, the "protocol in effect" requires *pro se* litigants to have in-person hearings, but it allows virtual hearings to litigants represented by counsel, which is a clear act of discrimination against a class, i.e., the class of *pro se* litigants, thus violating equal protection
- defendant Smith conspired with defendant clerks Oates, Thompson, and/or Keegan and/or defendant Taft-Carter to move the June 15, 2022, hearing, most likely via a simple phone call and in clear violation of the rules of procedure and the rules of professional conduct, thus violating due process
- defendants Smith and Parent did not furnish adequate security to protect the plaintiff's interest nor did they make a specific factual showing before a neutral officer or magistrate, not a clerk or other such functionary, of probable cause to believe that they are entitled to the relief requested, but instead conspired with court administrative personnel in order to seize the property, thus violating due process
- the property was taken because of the actions of the Count 12 Defendants, despite Plaintiff not yet being heard in the RI case, thus violating due process

92. Plaintiff made the Count 12 Defendants, except for defendants J. Michaud and Abreau, aware on many occasions that due process rights were being abridged, that the foreign judgment was fraudulent, that his income met the definition of extreme poverty, that the property did not even belong to him, and that he was on the verge of homelessness due to their improper conduct. By proceeding anyway, the defendants in this paragraph acted with reckless, willful, and wanton misconduct.

93. Footnote 4 makes clear that "state officials in transferring possession of property" can "implicate due process," which the relevant defendants who are employed in the Rhode Island Superior Court—by their acts—have certainly done. Defendant Abreau, who is employed in the Massachusetts court system, has also implicated due process by her acts.

94. For the reasons given heretofore in this complaint, the Count 12 Defendants have deprived Plaintiff of the right of due process guaranteed under the Due Process Clause and the right of equal protection guaranteed under the Equal Protection Clause of the Fourteenth Amendment of the U.S.

Constitution, which renders the Count 12 Defendants liable under 42 U.S.C. § 1983.

95. As a direct and proximate result of the Count 12 Defendants' actions and liability pursuant to 42 U.S.C. § 1983, Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

96. The Count 12 Defendants are thus liable to Plaintiff for violation of the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment of the U.S. Constitution. Plaintiff seeks compensatory damages in the amount of said interest and penalties plus $1,500 per month beginning April 2022 against defendants Parent, Smith, and J. Michaud, who are severally and jointly liable, for their violations of said clauses that they violated when they conspired (Parent indirectly through the other two) with court personnel to achieve their illicit goals. The remaining Count 12 Defendants violated those same clauses when defendant Abreau illegally vacated a legitimate judgment and when all other Count 12 Defendants failed to maintain an accurate court docket, provided conflicting scheduling information, issued writs improperly, prevented a virtual hearing, and failed to take adequate precautions to prevent title of the property from being corrupted (i.e., the property was "sold" in total disregard of governing law and the aforementioned constitutional provisions). Plaintiff also seeks an award of punitive damages in the amount of $150,000 in order to punish defendants Parent, J. Michaud, and Smith $50,000 per person for their reckless, willful, and wanton misconduct with respect to disregarding the plaintiff's right to due process and violating such right and to deter such reckless, willful, and wanton misconduct in the future. The remaining Count 12 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in paragraphs 132 and 133, which, along with the accompanying table, cover the specific relief claimed against each defendant.[19]

COUNT THIRTEEN: VIOLATION OF 18 U.S. CODE § 1962(b), RICO

97. This count is against defendant Joseph L. Michaud (the "Count 13 Defendant").

[19] After 1996, § 1983 suits for declaratory relief are still valid against judges in their individual capacity.

98. An association-in-fact enterprise created by the Count 13 Defendant is engaged in and affects interstate commerce.

99. The Count 13 Defendant acquired and maintains interests in and control of the association-in-fact enterprise through a pattern of racketeering activity. Specifically, he orchestrated the components of it by coordinating/conspiring with others in order to obtain the original fraudulent judgment in Massachusetts through political connections, by contacting the U.S. Trustee's Office and interfering with the discharge of the fraudulent debt he helped create, by threatening and intimidating the tenant of the property by leaving notes and/or notices on the premises, and by causing the conversion of rent money while likely using the U.S. mail to accomplish much of his scheme—all of which affect interstate commerce.

100. The following racketeering activities attributed to the Count 13 Defendant:

- 18 U.S. Code § 1341 (when he used the U.S. mail to conduct his fraudulent enterprise)
- 18 U.S. Code § 1512(c)(2) (when he corruptly obstructed, influenced, and/or impeded the original Massachusetts case and Plaintiff's discharge of "debt")
- 18 U.S. Code § 1951 (when he affected commerce via civil theft of rent payments for the property and fraudulently transferred "ownership" of it and/or conspired to do so)
- 18 U.S. Code § 1956 (when he laundered monetary instruments related to the property)
- 18 U.S. Code § 1957 (when he engaged in or enabled monetary transactions related to the property, which was derived from unlawful activity)
- fraud connected with a case under title 11 (when he contacted the U.S. Trustee's Office in order to block the discharge of the fraudulent debt he helped create against Plaintiff)

constitute a pattern of racketeering activity pursuant to 18 U.S. Code § 1961(5)—all of which caused Plaintiff to expend significant time and other resources to fight an array of legal battles and arduously and painstakingly address the ramifications of such battles.

101. The Count 13 Defendant has directly and indirectly acquired and maintains interests in and control of the association-in-fact enterprise through the pattern of racketeering activity in violation of 18 U.S. Code § 1962(b).

102. As a direct and proximate result of the Count 13 Defendant's racketeering activities and violations of 18 U.S. Code § 1962(b)—acquisition or maintenance of an interest in or control of the association-in-fact enterprise—and his malicious, willful, and wanton misconduct, Plaintiff has been

forced to litigate at least five other cases, which have resulted in expenses, *significant* time expenditure on the order of what is projected to be 13,000 total hours, and tremendous stress, and which have occurred since establishment of the association-in-fact enterprise. Time spent working on those cases was time that could not be used to generate income, truly resulting in a net income loss.

103. The Count 13 Defendant is thus liable to Plaintiff for compensatory damages in the amount of $50 per hour trebled to $150, for a total of $1,950,000, plus expenses of $1,000 trebled to $3,000. Plaintiff also seeks punitive damages in the amount of $50,000 against the Count 13 Defendant to deter such malicious, willful, and wanton misconduct in the future as reiterated and expounded in paragraphs 132 and 133 and as shown in the accompanying table.

COUNT FOURTEEN: VIOLATION OF 18 U.S. CODE § 1962(c), RICO

104. This count is against defendants J. Michaud, Hart, and Smith (the "Count 14 Defendants").

105. The Washington County Superior Court is an enterprise engaged in and whose activities affect interstate commerce. The Count 14 Defendants are associated with the enterprise.

106. The Count 14 Defendants agreed to and did conduct and participate in the affairs of the enterprise through a pattern of racketeering activity and for the unlawful purpose of intentionally defrauding Plaintiff. Specifically, they are responsible for the following racketeering activities:

- 18 U.S. Code § 1341 (when they used the U.S. mail to conduct their fraudulent activity, with one known parcel dated February 25, 2020, and another dated March 25, 2021, being sent by defendant Smith to Norma Oliver in Florida, thereby constituting a pattern of racketeering activity)
- 18 U.S. Code § 1512(c)(2) (when defendant J. Michaud corruptly obstructed, influenced, and/or impeded the original Massachusetts case and Plaintiff's discharge of "debt")
- 18 U.S. Code § 1951 (when they performed acts that affected commerce via civil theft of rent payments for the property and fraudulently transferred "ownership" of it and/or conspired to do so through the enterprise)
- 18 U.S. Code § 1956 (when they laundered monetary instruments related to the property)
- 18 U.S. Code § 1957 (when they engaged in or enabled monetary transactions related to the property, which was derived from unlawful activity)
- fraud connected with a case under title 11 (when defendant J. Michaud contacted the U.S. Trustee's Office in order to block the discharge of the fraudulent debt he helped create against Plaintiff)

and similar activities described in earlier counts, such as COUNT FIVE.

107. Pursuant to and in furtherance of their fraudulent scheme, the Count 14 Defendants committed multiple related acts of racketeering as shown in paragraph 106.

108. The acts set forth in this count constitute a pattern of racketeering activity—with the conversion/civil theft by the Count 14 Defendants of the rent payments for the property being a pattern in and of itself since it has been ongoing every month beginning in April 2022—pursuant to 18 U.S. Code § 1961(5).

109. The Count 14 Defendants have directly and indirectly conducted and participated in the enterprise's affairs through the pattern of racketeering activity described above, in violation of 18 U.S. Code § 1962(c).

110. As a direct and proximate result of the Count 14 Defendants' racketeering activities and violations of 18 U.S. Code § 1962(c), Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

111. The Count 14 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages in the amount of said interest and penalties trebled to $860,183.76 plus $1,500 per month trebled to $3,385,702.08. Plaintiff also seeks punitive damages in the amount of $150,000 against the Count 14 Defendants as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table.

COUNT FIFTEEN: VIOLATION OF 18 U.S. CODE § 1962(d), RICO

112. This count is against defendants Parent and M. Michaud (the "Count 15 Defendants").

113. The Count 15 Defendants agreed to the overall objective of the conspiracy and conspired to violate 18 U.S. Code § 1962(c). Specifically, defendant Parent agreed to have defendant Smith represent her in the scheme to enforce the fraudulent judgment. She also is responsible for several predicate acts: using the U.S. mail to communicate and/or transact with defendant Smith and/or J./M.

Michaud in the process of defrauding Plaintiff, and "buying" and "selling" the property in which she has interfered with commerce, laundered money, and engaged in monetary transactions in violation of 18 U.S. Code sections 1341, 1951, 1956, and 1957, respectively. Defendant M. Michaud, as alleged trustee of the FUBAR Realty Trust, agreed to "purchase" the property from defendant Parent. He also is responsible for several predicate acts: using the U.S. mail to communicate and/or transact with defendant Parent and/or Hart and/or J. Michaud in the process of defrauding Plaintiff, and "buying" the property in which he has interfered with commerce, laundered money, and engaged in monetary transactions in violation of 18 U.S. Code sections 1341, 1951, 1956, and 1957, respectively. The Count 15 Defendants intended "to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense."[20]

114. The Count 15 Defendants have intentionally conspired and agreed to directly and indirectly conduct and participate in the affairs of the enterprise through a pattern of racketeering activity. The Count 15 Defendants knew that their acts contributed to a pattern of racketeering activity and agreed to the commission of those acts to further the schemes described above. That conduct constitutes a conspiracy to violate 18 U.S. Code § 1962(c), in violation of 18 U.S. Code § 1962(d).

115. As a direct and proximate result of the Count 15 Defendants' conspiracy to violate 18 U.S. Code § 1962(c) and their overt acts taken in furtherance of that conspiracy in violation of 18 U.S. Code § 1962(d), Plaintiff has been injured in his business/employment in the amount of $1,500 monthly beginning April 2022, the calculations for which are shown in exhibit "A." Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately $286,727.92 in interest and penalties.

116. The Count 15 Defendants severally and jointly are thus liable to Plaintiff for compensatory damages in the amount of said interest and penalties trebled to $860,183.76 plus $1,500 per month trebled to $3,385,702.08. Plaintiff also seeks punitive damages in the amount of $100,000 against the Count 15 Defendants as reiterated and expounded in paragraphs 132 and 133 and in the accompanying

[20] *Salinas v. United States*, 522 U.S. 52, 65 (1997).

table.

COUNT SIXTEEN: INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

117. This count is against all defendants.

118. The conduct of defendants J. Michaud, Parent, and Smith has been beyond outrageous since the true beginning of this legal nightmare—from violating ethical standards, rules of procedure, and civil laws to committing various crimes against Plaintiff that even involve a conspiracy network reaching across the nation. Most of the offenses can be found at www.stloiyf.com/evidence/letter.htm.

119. Thus far, Plaintiff has had to spend more than 11,000 painstaking hours on litigation related to this matter because of the defendants' actions. The defendants have intentionally inflicted—if not at least negligently inflicted—emotional and financial distress upon Plaintiff as a result of their tortious acts during the creation of the fraudulent debt by defendants J. Michaud, Parent, and Abreau and the attempted collection of it by defendants Hart, Smith, Parent, J. Michaud, and M. Michaud, and Plaintiff has suffered a great deal. The date emotional distress was first inflicted was after the conspiratorial actions by defendants J. Michaud and Abreau on or about September 8, 2014, but the infliction of emotional distress continues to present day.

120. Plaintiff has been under constant oppression by the defendants and various others, and although complaints have been filed with several oversight agencies, nothing remedial has been done, which has further increased stress levels. Additionally, Plaintiff has been under tremendous emotional and financial distress due to the loss of the overwhelming majority of his income because of the defendants' actions, which are in violation of law as shown in the preceding counts.

121. The defendants acted with malice or reckless indifference and committed extreme and outrageous acts, such as fraud to the highest degree. Specifically, they:

- know the judgment in Massachusetts was obtained fraudulently—resulting in the fraudulent debt (all defendants except Sylvester and Robinson*)
- know Norma Oliver owned the property and know she owes no debt/financial obligation to them (all defendants except Abreau, Sylvester, and Robinson*)
- know Plaintiff has been driven well into extreme poverty and has been forced to be put

on the Lifeline program, SNAP/food stamps, and state medical assistance because of their actions (all defendants except Hart, Abreau, Sylvester, and Robinson*)

yet defendants Parent, Smith, J. Michaud, M. Michaud, and Hart proceeded with seizing the property anyway. Those defendants versed in law who did the most appalling acts—Abreau, Smith, J. Michaud, and Hart—must have known they were violating several laws, but even if they were ignorant of existing relevant law, they were made aware of their transgressions via the demand letter Plaintiff sent them and via filings he submitted into the RI case, which defendant Smith was served. Moreover, for defendant J. Michaud and/or M. Michaud to come from out of state and leave threatening notes and/or notices at the property when he or they are not even a party to the RI case, he or they were clearly acting maliciously. Note that defendant J. Michaud is the former corrupt lawyer—now a judge—who played a major role in creating the fraudulent debt. *Those who *may* not know are indicated in parenthesis above.

122. Defendants Keegan and Thompson issued writs against the property contrary to federal case law and due process. Other than Defendants Smith and Parent, they were directly responsible for some of the most deleterious effects of the RI case, namely, blessing defendant Smith's and Parent's illegal seizure of the property, thereby causing great financial and emotional distress to Plaintiff. These two particular clerks and/or defendant Oates failed to keep an accurate record and did not ensure Plaintiff was served process or knew about the "sale" of the property, which caused even more emotional strain upon the plaintiff, especially once he learned title to the property had been corrupted.

123. Regarding rescheduling of the June 15, 2022, hearing date, defendant Oates' conspiracy with defendants Smith and/or Taft-Carter and their lack of following rules of procedure by allowing defendant Smith to postpone the date via a verbal request—without a properly submitted motion—shows total disregard of Plaintiff's right to due process and inflicted emotional distress upon the plaintiff.

124. Defendant Taft-Carter also discriminated against Plaintiff, who is a *pro se* litigant, by preventing him from having a virtual hearing on his motion to dismiss the RI case. She and defendant Oates cast blame onto each other regarding the rescheduling of the June 15, 2022, hearing. Under her purview, defendant Oates and possibly other defendant clerks were remiss in performing their duties.

Defendant Taft-Carter also negligently caused distress upon Plaintiff.

125. Defendants Sylvester and Robinson instructed and caused Anthony Tortolano to redirect rent payments for the property to an entity yet unknown to Plaintiff. They were negligent with respect to checking whether a court order existed that allowed garnishment of Plaintiff's income. They also negligently forced Plaintiff into extreme poverty, with him now living on approximately -$497 in monthly income. By their negligence, they have caused him significant financial and emotional distress.

126. Because of the defendants' actions, Plaintiff has been forced to liquidate his retirement account in order to meet daily living expenses. As a result, penalties and taxes will be due, which he cannot afford, and yet more litigation will likely be generated—possibly a *seventh* case at their hands. This is causing him tremendous distress.

127. Plaintiff has never missed a payment on anything—until April 2022. The defendants' actions have forced him to stop paying the mortgage, taxes, insurance, and condo fees on the property. His credit score was 818 before this ordeal began in 2005 but has likely plummeted or will plummet because of his forced default on the mortgage and bankruptcy and related legal problems.

128. As stated in several counts, Defendant failed to use proper care at many points in time since 2005 and was reckless with regard to giving notice, maintaining docket fidelity, preventing excessive garnishment, issuing writs, attaching the right property, and whatnot. Discovery may reveal additional evidence that proves more of the defendants' actions were done intentionally to inflict emotional distress upon Plaintiff. As a result of the defendants' conduct, Plaintiff has suffered severe emotional and financial distress.

129. Defendants Parent, Smith, J. Michaud, M. Michaud, and Hart cumulatively make more than $500,000.00 per year but quite likely have income and/or assets that exceed $3,000,000.00. As such, punitive damages of less than six figures will not be appropriate since the financial impact upon them will be relatively insignificant.

130. As a direct and proximate result of the defendants' actions described in this count and throughout this complaint, Plaintiff has been negatively impacted with regard to standard of living,

financial reserve, emotional distress, time expenditure, and mental/physical well-being.

131. Defendants Parent, Smith, J. Michaud, M. Michaud, Hart, Sylvester, and Robinson severally and jointly are thus liable to Plaintiff for compensatory damages in an amount to be determined at trial. Because of the deliberate and outrageous conduct of defendants Parent, Smith, J. Michaud, M. Michaud, and Hart, Plaintiff also seeks punitive damages in the amount of $50,000 against each of them as reiterated and expounded in paragraphs 132 and 133 and in the accompanying table. The remaining defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which, along with the table, cover the specific relief claimed against each defendant.

DEMAND FOR JUDGMENT

132. WHEREFORE, Plaintiff seeks declaratory and/or injunctive relief pursuant to RI Gen. Law § 9-30-1 et seq. and 42 U.S.C. § 1983 against defendant Taft-Carter by directing her to abide by the law and Constitution, to nullify any title/deed to the property post-2020, and to forever bar co-defendants J. Michaud, M. Michaud, Parent, Smith, and Hart and their heirs, successors, and assigns from bringing any legal proceeding against the property with regard to collection of alleged debts attributed to Plaintiff. Plaintiff also seeks declaratory and/or injunctive relief against defendants Oates, Thompson, and Keegan so that they be enjoined from issuing writs and directed to maintain court dockets and perform all tasks in accordance with their official duties. He also seeks declaratory and/or injunctive relief against defendant Abreau so that she be enjoined from violating rules of procedure, civil and criminal law, and the U.S. Constitution.

133. Lastly, Plaintiff seeks compensatory and punitive damages as set forth in the following table, together with prejudgment interest at the prevailing rate set by law, court costs, fees, penalties imposed on Plaintiff, and any other relief or compensation deemed appropriate. In the alternative to declaratory and/or injunctive relief against defendant Taft-Carter, the rightmost two columns of compensatory damages in the table are applicable. Under compensatory damages, column 1 represents the $1,500 monthly rent or its double, as applicable. Column 2 represents the approximate total taxes and

interest due to early withdrawal of Plaintiff's retirement account, with column 3 being its triple. Column 4 represents the 30-year loss of monthly rent ($1,128,567.36), with column 5 being its triple.[21] Amounts in parenthesis in the table supersede the default values given at the top of it.

[21] Courts have ruled that punitive damages are available under RICO. See *Com-Tech Assoc. v. Computer Assoc. Int'l*, 753 E Supp. 1078, 1079 (E.D.N.Y. 1990), aff'd, 938 F.2d 1574 (2d Cir. 1991) (holding that claim for punitive damages could be asserted in civil action under RICO, even though treble damages are available). See also *Sea Salt, LLC v. Bellerose, No. 2:18-cv-00413-JAW*, 10 (D. Me. Jun. 9, 2021) (where the court reasoned that "compensatory damages in the amount of $1,500,000, treble damages under the RICO Act, and punitive damages in the amount of $3,000,000" are viable).

	Compensatory					Punitive
	$1,500/mo	$286,727.92	$860,183.76	$1,128,567.36	$3,385,702.08	$250,000
Count 1	J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson ($3,000/mo)	J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson				
Count 2	J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson	J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson				
Count 3	J. Michaud M. Michaud Parent Smith Hart	J. Michaud M. Michaud Parent Smith Hart				
Count 4		J. Michaud M. Michaud Parent Smith		J. Michaud M. Michaud Parent Smith		
Count 5		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart		
Count 6		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart
Count 7		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart
Count 8		J. Michaud M. Michaud Parent Smith		J. Michaud M. Michaud Parent Smith		
Count 9		J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson		J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson		J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson ($350,000)

Exhibit A

Count 10		J. Michaud M. Michaud Parent Smith		J. Michaud M. Michaud Parent Smith		
Count 11		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart		J. Michaud M. Michaud Parent Smith Hart
Count 12		J. Michaud Smith Parent		J. Michaud Smith Parent		J. Michaud Smith Parent ($150,000)
Count 13					J. Michaud ($1,953,000)	J. Michaud ($50,000)
Count 14			J. Michaud Smith Hart		J. Michaud Smith Hart	J. Michaud Smith Hart ($150,000)
Count 15			M. Michaud Parent		M. Michaud Parent	M. Michaud Parent ($100,000)
Count 16		J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson (TBD)		J. Michaud M. Michaud Parent Smith Hart Sylvester Robinson (TBD)		J. Michaud M. Michaud Parent Smith Hart

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues raised in this complaint.

September 28, 2022

Thomas Scott, *pro se*
6920 Bernadean Blvd.
Punta Gorda, FL 33982

Rental Losses

	Monthly Rent*	Total	Mortgage	Condo Fees/Taxes**	Insurance***	Net
Year 1	$1,500.00	$18,000.00	$6,531.12	$4,847.80	$302.00	$6,319.08
Year 2	$1,595.25	$19,143.00	$6,531.12	$5,007.78	$316.65	$7,287.46
Year 3	$1,696.55	$20,358.58	$6,531.12	$5,173.03	$332.00	$8,322.42
Year 4	$1,804.28	$21,651.35	$6,531.12	$5,343.74	$348.11	$9,428.38
Year 5	$1,918.85	$23,026.21	$6,531.12	$5,520.09	$364.99	$10,610.01
Year 6	$2,040.70	$24,488.38	$6,531.12	$5,702.25	$382.69	$11,872.31
Year 7	$2,170.28	$26,043.39	$6,531.12	$5,890.42	$401.25	$13,220.59
Year 8	$2,308.10	$27,697.14	$6,531.12	$6,084.81	$420.71	$14,660.50
Year 9	$2,454.66	$29,455.91	$6,531.12	$6,285.61	$441.12	$16,198.07
Year 10	$2,610.53	$31,326.36	$6,531.12	$6,493.03	$462.51	$17,839.70
Year 11	$2,776.30	$33,315.59	$6,531.12	$6,707.30	$484.94	$19,592.22
Year 12	$2,952.59	$35,431.12	$6,531.12	$6,928.64	$508.46	$21,462.90
Year 13	$3,140.08	$37,681.00	$6,531.12	$7,157.29	$533.12	$23,459.47
Year 14	$3,339.48	$40,073.74	$6,531.12	$7,393.48	$558.98	$25,590.17
Year 15	$3,551.54	$42,618.43	$6,531.12	$7,637.46	$586.09	$27,863.75
Year 16	$3,777.06	$45,324.70	$6,531.12	$7,889.50	$614.52	$30,289.56
Year 17	$4,016.90	$48,202.82	$6,531.12	$8,149.85	$644.32	$32,877.52
Year 18	$4,271.97	$51,263.70	$6,531.12	$8,418.80	$675.57	$35,638.21
Year 19	$4,543.24	$54,518.94	$5,986.86	$8,696.62	$708.34	$39,127.12
Year 20	$4,831.74	$57,980.89		$8,983.61	$742.69	$48,254.59
Year 21	$5,138.56	$61,662.68		$9,280.07	$778.71	$51,603.90
Year 22	$5,464.85	$65,578.26		$9,586.31	$816.48	$55,175.47
Year 23	$5,811.87	$69,742.48		$9,902.66	$856.08	$58,983.74
Year 24	$6,180.93	$74,171.13		$10,229.45	$897.60	$63,044.08
Year 25	$6,573.42	$78,880.99		$10,567.02	$941.13	$67,372.85
Year 26	$6,990.83	$83,889.94		$10,915.73	$986.77	$71,987.43
Year 27	$7,434.75	$89,216.95		$11,275.95	$1,034.63	$76,906.37
Year 28	$7,906.85	$94,882.22		$11,648.05	$1,084.81	$82,149.36
Year 29	$8,408.94	$100,907.24		$12,032.44	$1,137.43	$87,737.38
Year 30	$8,942.90	$107,314.85		$12,429.51	$1,192.59	$93,692.75
Total lost						$1,128,567.36

*Rent has increased by an average of 6.35% per year over the last 28 years based on:
www.southkingstownri.com/DocumentCenter/View/5291/4-SK-Housing-Links.
Taxes have gone ***down* by 0.6% per year since 2014, but are assumed flat for this report.
**Condo fees have gone up 3.3% per year.
***Insurance has increased by an average of 4.85% per year over the last 18 years based on:
www.iii.org/table-archive/21406.
Other than monthly rent, values shown are yearly totals and computed based on today's date 8-1-22.

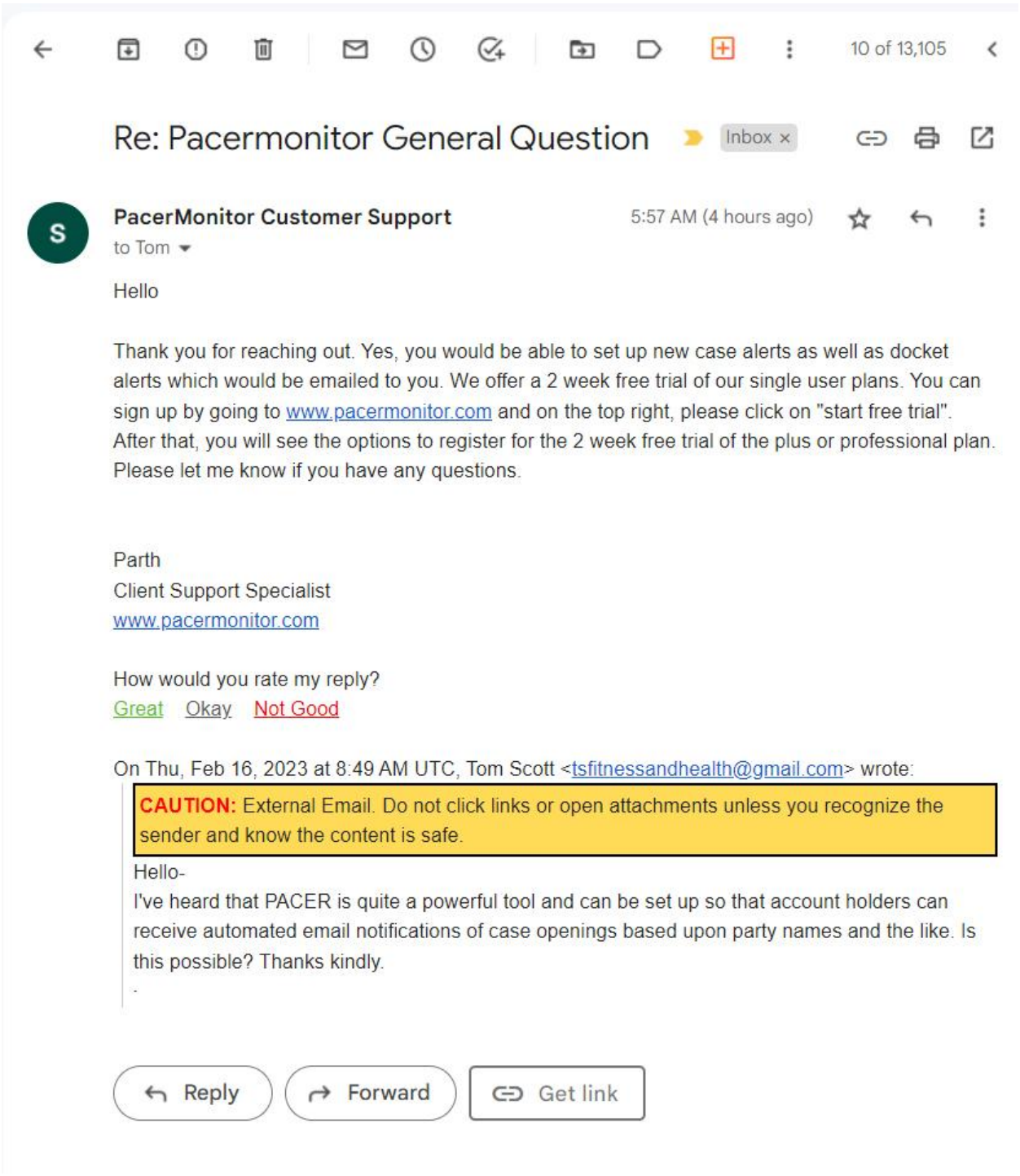
Exhibit A

Defendant
James D. Sylvester

Defendant
Michael K. Robinson

Date Filed	#	Docket Text
09/29/2022	1	COMPLAINT, filed by Thomas Oliver. (Attachments: # 1 Civil Cover Sheet)(Kenny, Meghan) (Entered: 09/29/2022)
09/29/2022	2	MOTION for Leave to Proceed in forma pauperis filed by Thomas Oliver. (Kenny, Meghan) Modified on 1/26/2023 (Potter, Carrie). (Entered: 09/29/2022)
09/29/2022	3	MOTION for Leave to Proceed as Pro Se Electronic Filer filed by Thomas Oliver. (Kenny, Meghan) Modified on 1/26/2023 (Potter, Carrie). (Entered: 09/29/2022)
01/25/2023		TEXT ORDER granting 2 Motion for Leave to Proceed in forma pauperis. The United States Marshals Service is hereby ordered to serve the plaintiffs summons and complaint on the defendants. So Ordered by District Judge Mary S. McElroy on 1/25/2023. (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023		TEXT ORDER granting 3 Motion for Leave to Proceed as Pro Se Electronic Filer. So Ordered by District Judge Mary S. McElroy on 1/25/2023. (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023	4	Letter requesting that the Process Receipt and Return form (USM-285) and summons be completed in order for the U.S. Marshals Service to effectuate service pursuant to Fed. R. Civ. P. 4(c)(3). USM -285 form can be found by clicking here. (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023	5	CASE OPENING NOTICE ISSUED (Kenny, Meghan) (Entered: 01/25/2023)
01/26/2023		TEXT ORDER: The court hereby vacates the Text Orders of 1/25/2023, 5 Case Opening Notice and 4 Letter sent to Effectuate Service. ECF 2 Motion for Leave to Proceed IFP and 3 Motion for Leave to Proceed as Pro Se Electronic Filer remain pending. So Ordered by District Judge Mary S. McElroy on 1/26/2023. (Potter, Carrie) (Entered: 01/26/2023)
02/07/2023	6	ORDER : The plaintiff's Complaint does not state a plausible claim and he is therefore not entitled to in forma pauperis status. That same reason requires the Court to dismiss the case. Therefore, the Motion to Proceed In Forma Pauperis (ECF No. 2) is DENIED, the Motion for Electronic Filing Status is DENIED as moot (ECF No. 3), and the Complaint is DISMISSED. So Ordered by District Judge Mary S. McElroy on 2/7/2023. (Potter, Carrie) (Entered: 02/07/2023)
02/07/2023	7	JUDGMENT entered in accordance with the Order of 2/7/2023. So Ordered by District Judge Mary S. McElroy on 2/7/2023. (Potter, Carrie) (Entered: 02/07/2023)

Exhibit B



10 of 13,105

Re: Pacermonitor General Question

Inbox ×

PacerMonitor Customer Support 5:57 AM (4 hours ago)

to Tom

Hello

Thank you for reaching out. Yes, you would be able to set up new case alerts as well as docket alerts which would be emailed to you. We offer a 2 week free trial of our single user plans. You can sign up by going to www.pacermonitor.com and on the top right, please click on "start free trial". After that, you will see the options to register for the 2 week free trial of the plus or professional plan. Please let me know if you have any questions.

Parth
Client Support Specialist
www.pacermonitor.com

How would you rate my reply?
Great Okay Not Good

On Thu, Feb 16, 2023 at 8:49 AM UTC, Tom Scott <tsfitnessandhealth@gmail.com> wrote:

> **CAUTION:** External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> Hello-
> I've heard that PACER is quite a powerful tool and can be set up so that account holders can receive automated email notifications of case openings based upon party names and the like. Is this possible? Thanks kindly.
> .

Reply Forward Get link

Exhibit C