

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STEWART A. WEBB

Plaintiff,

v.

Case No: 09-2603

HON. JUDGE KATHRYN H. VRATIL, in her

Official capacity as Chief Judge
for the United States District Court for
the District of Kansas

Jury Trial Requested

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Defendant,

**PLAINTIFF'S CORRECTED MEMORANDUM
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT AGAINST
THE HON. KATHRYN H. VRATIL,
AND THE U.S. DISTRICT COURT FOR KANSAS**

Comes now the plaintiff Stewart A. Webb appearing *pro se* and makes the following corrected memorandum in support of summary judgment based on undisputable facts and controlling law.

The plaintiff submits the following Motion for Summary Judgment with evidence useful for determining that the action is nonfrivolous and that admissible evidence is available to assert the plaintiff's claim and right to injunctive relief.

The plaintiff makes reference to pleadings, affidavits and evidentiary exhibits from the record of United States Court for the District of Kansas cases under the authority of *Kramer v. Time Warner, Inc.* 937 F2d. 767, 774, (2nd Cir. 1991).

The plaintiff also makes references to records not in the possession or access of the plaintiff but on information and belief are in the possession and control of the District of Kansas.

INTRODUCTION TO THE NEED FOR THE EQUITABLE RELIEF

The plaintiff seeks to have professional legal help to draft and prosecute his civil claims against under Racketeer Influenced and Corrupt Organizations (“RICO”) act, 18 U. S. C. § 1961, *et seq.*

The defendants in this action for equitable relief under the US Constitution are not defendants in the plaintiff’s proposed RICO civil action under 18 U. S. C. § 1961, *et seq.*

The plaintiff’s injuries to his property and business from the ongoing RICO enterprise and RICO conspiracy are detailed in evidentiary documents supporting 18 U. S. C. § 1961 enumerated predicate criminal acts by identified persons and companies are contained as stated in the plaintiff’s sworn affidavit accompanying the petition for equitable relief before this court on the plaintiff’s web site www.stewwebb.com.

The continuing violations and the over arching goal of the RICO conspiracy have been researched and recorded as they occurred up to and including November 25, 2009 the date the plaintiff filed in this court for relief in equity to obtain legal counsel in the course of the plaintiff’s business in preparation to present evidence and testimony of numerous witnesses to a US District Court for the District of Colorado Grand Jury in *Webb v. Millman, et al.* Cr. Div. Case No. 95Y107.

STATEMENT OF FACTS

1. The most recent outline and summary of the 18 U. S. C. § 1961 enumerated predicate criminal acts committed by identified members of the Bush Millman Lindner RICO Enterprise and its RICO Co-Conspirators is viewable as a criminal information or charging document to be submitted to the District of Colorado Grand Jury at <http://www.stewwebb.com/Grand%20Jury%20Demand%20Aug%204%202004.html>

1). The plaintiff will suffer irreparable injury unless the injunction issues

2. The experiences of parties acting pro se in the Kansas District Court in complex litigation is overwhelmingly against the plaintiff 's likelihood of being able to present his evidence to a jury.

3. The plaintiff does not have the training to do electronic discovery.

4. The plaintiff has never been educated in the Federal Rules of Evidence.

The necessity of the equitable relief to vindicate public policy

5. After filing the original demand for a grand jury, US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch assigned US District Court for the District of Wyoming Judge Hon. Clarence Addison Brimmer, Jr. to depose the plaintiff on his grand jury criminal information and determined that the plaintiff had evidence and sound information for probable cause to investigate the persons and corporations identified by the plaintiff for the criminal conduct identified by the plaintiff.

6. US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch then adopted the findings of Wyoming District Judge Hon. Clarence Addison Brimmer, Jr. that public interest requires summoning a grand jury in a telephone hearing with the plaintiff and the plaintiff's fellow relator Lt. Commander USN Ret., Office of Intelligence, Al Martin.

7. US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch ruled in the same telephone hearing that the grand jury would go forward either with the assistance of the then US Attorney (“USA”) for the District of Colorado Michael J. Norton to present the information to the grand jury and if USA Michael J. Norton declined then by the plaintiff under 18 USC 6(a)(1).

8. Subsequent to this ruling by US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch, the plaintiff and the other relator Lt. Commander Al Martin with evidence and information about the criminal conduct of the Bush Millman Lindner RICO Enterprise were separately subject to false arrest in Colorado and Florida.

9. The plaintiff was held at Adams County Colorado Jail in 1995 at the direction of the United States Department of Justice’s (“USDOJ”) Colorado headquartered Federal Bureau of Investigation, Division 5 where he was poisoned with Anthrax and suffered from the poisoning during the following four years to obstruct the plaintiff’s ability to convene the ordered grand jury.

10. Lt. Commander Al Martin was held in a Florida jail by law enforcement authorities at the direction of the USDOJ and under a fictitious name to prevent the *Webb v. Millman, et al.* District of Colorado Cr. Div. Case No. 95Y107 relator from being able to convene the grand jury ordered by Hon. Judge Richard Matsch.

11. The plaintiff’s web site contains evidentiary documents and information about the criminal conduct of USA Henry Solano and USA Michael J. Norton who received money and positions in the Bush Millman Lindner RICO Enterprise and the conduct to obstruct justice and prevent convening the ordered grand jury to protect the ongoing crimes of the Bush Millman Lindner RICO Enterprise by Colorado District Assistant US Attorneys

(“AUSA”) Greg C. Graff. AUSA Thomas O'Rourke, AUSA F. Joseph Mackey. See generally www.stewwebb.com

12. The Bush Millman Lindner RICO Enterprise's infiltration of the United States Department of Justice has grown while the plaintiff has suffered the obstruction of justice documented on his web site to prevent the plaintiff convening the grand jury ordered by US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch and relating the growing evidence and testimony of many witnesses to obtain a presentment of criminal charges.

13. The infiltration by Bush Millman Lindner RICO Enterprise of the USDOJ has compromised the integrity of the US District Court for the District of Kansas in the Kansas District AUSA 's deposition of Rosemary Price a disabled and retired US Postal Service Supervisor , and the wife of David Martin Price where she was called as a witness by Bret D. Landrith in the KDC civil rights action *Melvin Johnson v. USPS Postmaster General*, KDC Case No. 01-cv-04182-SAC See Price Affidavit *infra*.

2) The threatened injury to the plaintiff outweighs damage to the defendants

14. The plaintiff has lost his daughter, his marriage, his home and the savings and accumulated value of his construction business as a result of the Bush Millman Linder Crime Syndicate racketeering actions in violation of 18 U. S. C. § 1961, et seq.

15. The Bush Millman Linder Crime Syndicate continues to operate as a RICO enterprise through predicate acts of racketeering injuring the plaintiff in his business of doing small construction jobs as a sole proprietor.

16. The plaintiff will show *infra* under the competency of the evidence used to disbar Bret D. Landrith that the State of Kansas disbarment was procured through extrinsic fraud.

17. The plaintiff will show *infra* under the competency of the evidence used to disbar Bret D. Landrith that the present defendants the defendants the Hon. Chief Judge Kathryn H. Vratil, and the Kansas District Court participated and in some instances caused the procurement of the state disbarment through extrinsic fraud on the Kansas Supreme Court.

18. The plaintiff will show *infra* under the competency of the evidence used to disbar Bret D. Landrith that the present defendants the defendants the Hon. Chief Judge Kathryn H. Vratil, and the Kansas District Court through extrinsic fraud caused an ethics panel of the Kansas District Court including the Hon. Judge J. Thomas Marten to reciprocally disbar Bret D. Landrith in the absence of a hearing and contrary to controlling law.

19. The public interest in other jurisdictions including the State of Kansas, the US District Court for the Western District of Missouri, the US District Court for the Northern District of Illinois, The US Court of Appeals for the Seventh Circuit, The US Court of Appeals for the Tenth Circuit and the US Supreme Court have been injured by the defendants the Hon. Chief Judge Kathryn H. Vratil, and the Kansas District Court (“KDC”).

20. All resulting inconveniences that may be suffered by the Hon. Chief Judge Kathryn H. Vratil, and the Kansas District Court as a result of granting the proposed injunctive relief arise solely from the upholding of federal law and the US Constitution

against trespass on the rights of the plaintiff and the plaintiff's right to access to the courts.

21. The plaintiff will show *infra* that upholding the public interest in undoing extrinsic fraud injuring the enforcement of federal laws can result in no legally recognizable counter interest or estate of Hon. Chief Judge Kathryn H. Vratil, and the Kansas District Court in the benefits of obtained from the fraud.

3) The injunction, if issued, would not be adverse to the public interest

22. The plaintiff will provide legal authority in his memorandum of law that the legislated public policy interest was injured by the disbarment of Bret D. Landrith.

23. The plaintiff will provide legal authority in his memorandum of law that the unlawful disbarment of Bret D. Landrith has resulted in a State of Kansas policy that is being used to unlawfully injure more Kansas attorneys in a way that creates a grave danger that the plaintiff and the Citizens of the States including Kansas will be injured in their federally protected rights by racketeering schemes violating 18 U. S. C. § 1961, et seq. and the Bush Millman Linder Crime Syndicate specifically.

24. The plaintiff will provide legal authority in his memorandum of law that the violation of a criminal statute is at law a violation of the legislated public policy interest.

25. The presentation of evidence of criminal wrongdoing to the US Government via a grand jury or as a False Claims Act relator furthers the public interest.

26. The presentation of evidence of criminal wrongdoing meeting the elements of enumerated racketeering violations under 18 U. S. C. § 1961 Congress has created a private right of action to redress as claims under 18 U. S. C. § 1961 furthers the public interest.

27. The public interest has been injured in *Bolden v. City of Topeka*, KDC Case No. 02-2635-KHV when the Hon. Chief Judge Kathryn H. Vratil was the trier of fact but did not reveal to Bolden or his replacement counsel that she had procured the disbarment of his replacement counsel through extrinsic fraud. See **exhibit. 2** Procedural History of *Lipari v US Bank*.

28. The gravamen of the defendant Hon. Chief Judge Kathryn H. Vratil against Bolden is the fact he had such great difficulty obtaining representation until Landrith took his appeal. See Bolden KDC case management hearing before Magistrate James O'Hara: <http://www.medicalsupplychain.com/pdf/Bolden%20Hearing.wav>

29. The public interest in having impartial federal and state courts resolve issues regarding the law has been injured by the defendants' failure to uphold federal statutes on behalf of *pro se* parties and is now causing the exercise of popular sovereignty in the form of a petition to the State of Kansas Legislature that could have the effect of requiring the removal from office of Kansas State Representatives and Senators that fail to act to free David Martin Price under Kansas State Statutes applying to public officials. See **exhibit 3**

30. The Chief Justice of the Missouri Supreme Court addressed hundreds of attorneys, judges and court employees and demanded an end to predetermined court cases after Landrith's former client and successor in interest Samuel K. Lipari's repeated appeal efforts in Jackson County 16th Circuit Court of Missouri and the fate of Lipari's claims serving the interest of Missouri State Law removed to the US District Court for the District of Kansas. See **exhibit 4** Speech of Missouri Chief Justice.

31. The US Senator of Missouri Claire McCaskill responded to a constituent request by Landrith seeking to obtain information about being able to practice in federal courts after unlawfully being disbarred for successfully representing an African American in a Civil Rights Case. See **exhibit 5** Letter of Landrith to McCaskill.

32. The US Senator of Missouri Claire McCaskill instructed Landrith to file ethics complaints against the judges ordering the disbarment. See **exhibit 6** Letter of Senator Claire McCaskill to Landrith.

33. The US Senator of Missouri Claire McCaskill was subsequently chosen to chair a Senate Committee to prosecute the removal from office of the Impeached Judge Samuel B. Kent. See **exhibit 7** St. Louis Times Article on Senator Claire McCaskill's appointment to impeachment committee.

The aid to public interest that would result in granting the injunction

34. The plaintiff can write charging documents to the very low standard a government prosecuting attorney such as a US Attorney is held to in a criminal information.

35. The plaintiff cannot write a Civil RICO complaint, anticipating the sham Rule 12(b)(6) Motions to the standard even a *pro se* litigant will be held to in a federal court.

36. This court ruled that Landrith's amended petition against a Bush Millman Lindner RICO Enterprise pattern Ponzi was sufficient to be served on the defendants. See **exhibit 8** *Cremeen v., Bank of America et al.* KDC No. 04-02519-GTC-DJW

37. A defendant, Michael Schaefer pled guilty to fraudulent mortgage loans made in a Ponzi scheme in Arizona that injured over one hundred investors in Kansas and Missouri.

38. The class action securities lawsuit *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 drafted and filed by Landrith was selected as a model by Stanford School of Law Securities Class Action web site. See Huffman facts *infra*.

39. *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 was not dismissed by the defendants and appears to have settled in favor of the plaintiff.

4) Substantial likelihood plaintiff will eventually prevail on the merits

40. The plaintiff's racketeering allegations, False Claims Act conduct and identification of funds and property belonging to the US Government have already been determined to warrant convening a federal grand jury to investigate issuing a presentment of criminal charges by US District Court for the District of Colorado Senior Judge, Hon. Richard Matsch as recommended by US District Court for the District of Wyoming Judge Hon. Clarence Addison Brimmer, Jr. See Introduction *supra*.

***Selling v. Radford* Factor # 1
The lack of Due Process in the Disbarment**

41. The first ethics complaint was filed during the briefing schedule to appeal David Martin Price's termination of parental rights. See **exhibit 9** Landrith Discipline Opening Brief. First Ethics Complaint **exhibit 9.1**, Deposition of Jason Oldham (OCR scan of original with symbol and letter errors) showing mistake of discipline probable cause in that Mandamus was determined by Kansas Supreme Court as remedy for natural parent being denied adoption records **exhibit 9.2** Mandamus action against Ms. Carol Green, Clerk of the Kansas Appellate Courts **exhibit 9.3**, Scanned text of Stanton Hazlett's Formal Complaint **exhibit 9.4**

42. The second ethics complaint was a direct effort to obstruct justice and defeat the vindication of James L. Bolden, Jr.'s Civil Rights under 18 USC 1981 *et seq.* by the City of Topeka.

43. The Kansas State Disciplinary Office of Stanton Hazlett opened Case No. DA9076 of Landrith's opposing counsel, Ms. Sherri Price, Assistant City Attorney for the City of Topeka, even though the complaint on its face was a secret attempt to conspire against Bolden's rights and take his property in violation of 18 USC § 241 and § 242.

44. The complaint reveals the hidden civil rights conspiracy under the color of state law by Kansas State officials because the conduct complained of by the defendant the second complaint by City of Topeka by its agent Sherri Price, the Assistant City Attorney is for Landrith's filing the complaint in Bolden's case as an evidentiary document letting his client James L. Bolden, Jr. and the defendant Hon. Chief Judge Kathryn H. Vratil have knowledge of the extortion by Kansas State officials against Bolden being represented. See **exhibit 10** Topeka Ethics Complaint.

45. Landrith answered the complaint giving notice of the unlawfulness of the investigation and prosecution. See **exhibit 11** Answer to DA9076.

46. The Kansas State Disciplinary Administrator Stanton A. Hazlett's ethics prosecution was initiated against Bret D. Landrith during the twenty days preparation for James Bolden's jury trial July 6, 2004 before District Judge Kathryn H. Vratil, necessitating Landrith's filing in Kansas District court for injunctive relief. See **exhibit 12** *Landrith v. Hazlett et al* complaint.

47. The Kansas State Disciplinary Office caused Landrith to be suspended the week prior to his October 20, 2005 Kansas Supreme Court oral argument in defense of his license to practice law and while Bolden's cause had been scheduled for oral argument in the Tenth Circuit U.S. Court of Appeals.

48. This State of Kansas action was taken despite evidence of the hardship upon Landrith presented at the pretrial hearing resulting from the delay of Stanton A. Hazlett in investigating and resolving the disciplinary complaint.

49. The suspension had the foreseeable and intended effect of preventing Landrith from arguing the African American James Bolden's appeal before the Tenth Circuit on November 17, 2005.

50. The briefing schedule of the Tenth Circuit for James Bolden's appeal had been previously stopped do to actions of the Disciplinary Administrator Stanton A. Hazlett against Landrith to interfere in its preparation. See **exhibit 13** W.D. of Missouri RICO complaint.

51. The defendant KDC had knowledge through Hon. Judge Carlos Murguia and the defendant Hon. Chief Judge Kathryn H. Vratil that the Kansas disbarment proceeding lacked any semblance of Due Process:

“10. I attended the pre trial order conference of the Kansas Disciplinary Administrator before a three-attorney panel consisting of Sally H. Harris, Michael K. Schmitt and presided over by Randall D. Grisell. Stanton Hazlett admitted to the panel that the secret probable cause hearing had excluded official court records and evidence including a reply brief in the adoption appeal that matched court transcripts refuting each evidentiary point raised by the adoption attorney seeking to terminate Mr. Price's parental rights. Stanton Hazlett admitted he had secured the probable cause to prosecute Mr. Landrith by stating here was no evidence behind the appeal. “

Lipari affidavit ¶ 10 See **exhibit 1**

52. The panel had to obstruct justice and prevent evidence and testimony supporting the

adoption appeal, so that the panel in bad faith could produce a false finding against Landrith to conceal the kidnapping and sale of David Martin Price's infant son:

“11. Randall D. Grisell and the panel ruled that Mr. Landrith would not be able to present any evidence or witnesses related to the discriminatory prosecution of himself while the felony threats to obstruct justice documented in the case and including opposing counsel were being ignored. Strangely, the panel also ordered the exclusion of any evidence or witnesses supporting the truth of the underlying litigations. Randall D. Grisell also ruled that the substantial family interest of Stanton Hazlett in the private adoption industry and that the chief complaining witness, Kansas state Judge G. Joeseeph Pierron, Jr. held a position on the board of directors of a private \$40 million dollar commercial adoption contractor with the State of Kansas, Kansas Children's Service League, Inc. did not require the dismissal and reinvestigation of the complaint. Judge G. Joeseeph Pierron, Jr. had refused to disqualify himself when Mr. Price's appeal raised questions about widespread Kansas adoption law violations and the failure of the Kansas Social and Rehabilitation Services to ensure compliance with laws designed to prevent interstate child trafficking. “

Lipari affidavit ¶ 11 See **exhibit 1**

53. The panel of Kansas Attorney Board members Sally H. Harris, Michael K. Schmitt and Randall D. Grisell on the record showed it was unaware of what Landrith had done wrong or any competent evidence that could support the disbarment Stanton Hazlett sought:

“At the conclusion of Mr. Landrith's ethics trial, Sally H. Harris, Michael K. Schmitt and Randall D. Grisell stated that they had found Mr. Landrith guilty of something but were not sure yet what it was. Stanton Hazlett then argued that the only possible punishment was disbarment.”

Lipari affidavit ¶ 16 See **exhibit 1**

***Selling v. Radford* Factor # 2**
Substantial infirmity in the proof of lack of character

54. Kansas Attorney Discipline Administrator supervised the Kansas Attorney Discipline staff attorney Gail B. Larkin who committed extrinsic fraud on the Kansas Supreme Court by writing a materially false report and recommendation of disbarment

which was sent through the U.S. mail to Landrith and the tribunal panel of Kansas Attorney Board members Randall D. Grisell, Sally Harris, and Michael Schmitt. See **exhibit 14** Landrith Discipline Appeal Opening Brief.

55. On April 14th, 2005, the Kansas Disciplinary Administrator filed in the Kansas Supreme Court the recommendation of the tribunal that James Bolden's attorney, Bret D. Landrith be disbarred.

56. Landrith was still representing James Bolden before the Tenth Circuit, appealing the City of Topeka's argument it is immune for acts of discrimination against African Americans because 42 U.S.C. §1981 no longer provides rights enforceable under 42 § 1983.

57. On Wednesday, April 20th, 2005 the Federal Bureau of Investigation raided Topeka City Homes, Inc., described on the fourth page of the second amended Bolden federal complaint as one of the instrumentalities created by the city to self deal HUD funds and seized its records.

58. The April 21st and 22nd, 2005 Topeka Capital Journal article described the agency's problems for the time period of James Bolden's complaint.

59. Randall D. Grisell, Sally Harris, and Michael Schmitt. See **exhibit 14** Landrith Discipline Appeal Opening Brief.

60. Randall D. Grisell, Sally Harris and Michael Schmitt fraudulently signed the report and recommendation created by Gale B. Larkin that falsely and misleadingly stated that Landrith failed to adequately cite to the record in David Martin Price's appeal brief.

61. Bret D. Landrith's Adoption Appeal opening brief alone made sixty seven citations to the record to support David Martin Price's contentions in appeal. See **exhibit 15**

Landrith Adoption Opening Brief.

62. Randall D. Grisell, Sally Harris and Michael Schmitt fraudulently signed the report and recommendation created by Gale B. Larkin and are guilty of the assertions that the tribunal's report falsely charged Landrith for untruthfulness in failing to support with a basis in fact and that the Kansas Supreme Court unlawfully disbarred Landrith over. See **exhibit 14** Landrith Discipline Appeal Opening Brief at pags. 49, 50.

63. Randall D. Grisell, Sally Harris, and Michael Schmitt signed the materially false report that had the foreseeable effect of injuring Landrith in his profession and caused it to be sent to the Kansas Supreme Court.

64. During the appeal pre-hearing motion process, Landrith observed that none of the adoption and child custody statutes governing the Shawnee County District Court ("SCDC") and Kansas Social and Rehabilitation Services ("SRS") had been complied with.

65. Bret D. Landrith observed that Interstate Compact ("ICPC") adoption records had been visibly altered to fraudulently represent the adopting parents as residing in Kansas when they lived in Colorado. See **exhibit 16** ICPC, **exhibit 16.1** KS SRS Manual on ICPC, Baby C Case even docket for SCDC and Kansas Appeals Court along with Chronology of conduct against David Martin Price and Chronology of conduct by Austin K. Vincent, **exhibit 16.2**, Transcript of SCDC hiding records from Kansas Appeals Court **exhibit 16.3**, Transcript of Assistant Attorney General M.J. Willoughby.

66. The defects were documented in the evidentiary SCDC record on appeal at Exb. Pg. 55-157, 210-214, 213 and cited appropriately in Landrith's adoption appeal brief. See **exhibit 15**

67. Judge Pierron, despite filing the prejudicial first ethics complaint against Landrith and serving as a director of one of the state's largest adoption contractor corporations which was stated on the Kansas Supreme Court Web Site at the URL http://www.kscourts.org/ctapp/gjp_coaj.htm strongly admonished Landrith for raising concerns about the legitimacy of the adoption.

“Judge Pierron has served as President of the Kansas Committee for the Prevention of Child Abuse and on the board of directors of the *Kansas Children's Service League*.”

Kansas Court of Appeals Home Page.

68. The appellate opinion inaccurately stated that Landrith sought only SRS records the father was not entitled to despite numerous appellate motions for many kinds of court records Landrith and his client David Martin Price had been denied access to. See **exhibit 17** Landrith's partial draft of later filed KS Sup Ct. Petition for Review. Landrith's **exhibit 17.1** Kansas Supreme Court petition for Review of Baby C, and Landrith's Demand for Adoption Records from SCDC **exhibit 17.2** Kansas State Legislature Proposal 31 recognizing Kansas has become a Baby Supermarket for black and grey market adoptions **exhibit 17.3**

69. Despite this new issue giving the respondent an appeal by right under K.S.A. 60-2101(b), the Kansas Supreme Court denied review. See Baby C Kansas Appeals Court Decision **exhibit 17.3** , SCDC Appearance Docket for Baby C Adoption **exhibit 17.4**, Baby C Hearing Transcript of Rosemary Price **exhibit 17.5** , David Martin Price's removal of adoption case to US District Court for the District of Kansas **exhibit 17.6**, Austin K. Vincent testimony under oath during Adoption of Baby C **exhibit 17.7**

70. On July 8th, 2005, the City of Topeka's first African American Judge, Municipal

Court Judge Deborah Purce suffered the instigation of an investigation (see **exhibit 18**) for termination immediately after she had ruled in favor of David Martin Price, Landrith's client and chief witness for James L. Bolden, Jr.

71. Hon. Judge Deborah Purce stated that the City of Topeka was retaliating against her for acting ethically:

"People have told me that Ebberts was under pressure from the police department because of my number of 'not guilty' verdicts," Purce said. "It would not be legal or ethical for me to be fired because I weighed evidence in favor of the accused more than Ebberts and police would have liked." Purce also outlined the events of July 8. Armed security guards were called to escort her out of the courthouse"

"Ex-judge sees race as issue" Topeka Capital Journal July 17, 2005. **exhibit 19**

Selling v. Radford Factor # 3

Grave reasons disbarment was inconsistent with "principles of right and justice"

72. The disbarment of Landrith is part of a continuing oppression of his African American client James L. Bolden, Jr. and Bolden's American Indian witness David Martin Price as a result of their testimony against the theft of Housing and Urban Development funds.

73. David Martin Price spoke at the annual meeting of the Kansas Agricultural and Territorial Society ("KTAS") about the failure of then Kansas Republican Attorney General Phil Kline to investigate the kidnapping of David Martin Price's infant son and Price's intent to begin circulating a petition for a state grand jury to investigate Phil Kline's role in protecting the criminal conduct of Kansas licensed attorneys engaged in what the Kansas State Legislature hearings had labeled a "baby supermarket." See **exhibit 20** Williams email.

74. The day after David Martin Price spoke at the KTAS meeting, Deputy Kansas

Attorney General Brian Brown began a combined civil consumer protection and criminal investigation of David Marin Price.

75. The State of Kansas Attorney General, filed on April 27, 2006, an original action in *quo warranto* (No. 96481) *Kansas ex rel. Kline v. Price*, 2006 WL 2795492, at *1 (D. Kan. Sep. 26, 2006) with the Kansas Supreme Court to enjoin David Martin Price, Rosemary Price and Janice Lynn King and others from engaging in the unauthorized practice of law. *State ex rel. Morrison v. Price*, 285 Kan. 389, 389-90, 172 P.2d 561 (2007).

76. Former US Mediation Services Commissioner Sidney J. Perceful and Dustin Sherwood visited Stanton Hazlett in June, 2008 to see Bret D. Landrith's file and were Landrith would never be allowed to practice law again.

77. Sidney J. Perceful and Dustin Sherwood visited the Western District of Missouri court house to ask about the reciprocal disbarment of Bret D. Landrith in the Western District of Missouri and interviewed former Chief Judge Hon. Dean Whipple. See **exhibit 20.8** Sherwood Transcript.

78. Sydney J. Perceful is the witness to the \$39,000,000.00 bribery fund described in the WD of MO case *United States ex rel Michael W. Lynch v Seyfarth Shaw et al.* Case no. 06- 0316-CV-W- SOW.

79. Hon. Judge Dean Whipple stated he was not aware of any WD of MO reciprocal disbarment of Bret D. Landrith and commented that it is unusual he does not recall it since there are so few.”

Lipari v. GE et al; Case no. 07-0849-CV-W-FJG Reply Suggestion To Defendant Schlozman's Opposition Suggestion Opposing Rule 59 Relief.

[http://www.medicalsupplychain.com/pdf/Lipari%20Rule%2059\(e\)%20Reply%20Suggestion%20.pdf](http://www.medicalsupplychain.com/pdf/Lipari%20Rule%2059(e)%20Reply%20Suggestion%20.pdf)

80. Hon. Sam A. Crow ordered a remand of the State of Kansas Supreme Court action against David Martin Price on June, 2009 in *State Of Kansas, ex rel. Stephen N. Six, Attorney. General of Kansas,.vs. David Martin Price* Case No. 09-4088-SAC.

81. Despite efforts of State of Kansas officials to disrupt the appeal by suspending Landrith and making Landrith defend his license during the 10th Circuit briefing schedule and Kansas District Court personnel refusing to delay the transfer of the record on appeal for transcripts until an order had to be issued by the Court of Appeals to stop the obstruction, the Tenth Circuit Court of Appeals decision *Bolden v. City of Topeka*. 441 F.3d 1129 (10th Cir. 2006) reinvigorated 42 USC Sec. 1981 as a cause of action against government discrimination and real estate takings in *Bolden v. City of Topeka*. 441 F.3d 1129 (10th Cir. 2006).

82. The decision has been favorably cited by the Sixth Circuit in *Coles v. Granville* Case No. 05-3342 (6th Cir. May 22, 2006).

83. The State of Kansas continues to pursue Bolden's witness and Landrith's former client David Martin Price in violation of the Fourteenth Amendment and this conduct has to date resulted in federal court intervention.

84. The State of Kansas Attorney Disciplinary Administrator Stanton A. Hazlett can be heard on the official audio recording of Kansas Supreme Court oral argument emphasizing Landrith's association with Landrith's client David Martin Price and the First Amendment protected conduct of Price as the reason to disbar Landrith in violation of the US Constitution.

<http://judicial.kscourts.org:7780/Archive/2005%20court%20hearings/Oct/94,333.mp3>

85. The state appellate judge, Hon. Lee A. Johnson signed the bench warrant to arrest David Martin Price on July 21, 2009 depriving Price of his US Constitutionally protected liberty interests despite the clearly established law that the state court lost jurisdiction during the pendency of the removal and the timely appeal of the remand order.

86. Any action taken in state court after a written notice of removal and before remand is of no force or effect. See *Crawford v. Morris Trans., Inc.*, 990 So. 2d 162, 169 (Miss. 2008).

87. Pursuant to § 1446, “it has been uniformly held that the state court loses all jurisdiction to proceed immediately upon the filing of the petition in the federal court and a copy in the state court.” *Resolution Trust Corp. v. Bayside Developers*, 43 F.3d 1230, 1239(9th Cir. 1994); *Moore v. Interstate Fire Insurance*, 717 F.Supp 1193 (S.D. Miss.1989); *South Carolina v. Moore*, 447 F.2d 1067, 1073 (4th Cir. 1971). “Any further proceedings in the state court in the removed action, unless and until the case is remanded, would be a nullity. 1A Moore’s Federal Practice § 0.168[3-8-4]. See also, *Caldwell v. Montgomery Ward and Co.*, 207 F.Supp. 161 (S.D.Texas 1962).

88. Kansas Attorney General Steve Six and Hon. Lee A. Johnson are both responsible for knowing that it is also clearly established that jurisdiction over a case passes from the district court to the court of appeals immediately and automatically upon the filing of a notice of appeal. *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985); *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982); WRIGHT, MILLER & COOPER, FEDERAL PRACTICE AND PROCEDURE: JURISDICTION 3d § 3949.1 at 39-40 (1999).

89. Hon. Lee A. Johnson was the same judge that repeatedly issued orders denying Landrith's motions for access to David Martin Price's parental rights trial court and adoption records in *In the Matter of Baby C*, Kansas State Court of Appeals Case No. 03 90035 A.

90. David Martin Price's Baby C was kidnapped under fraud and sold to a couple in the State of Colorado, an enterprise by Kansas attorneys using extrinsic fraud on Kansas State courts to deprive Kansas women of infants without giving biological mothers and fathers an opportunity to assert rights, even federal rights under the Indian Child Welfare Act See Affidavit of Cicle **exhibit 20.1** Statement of Cicle **exhibit 20.2**, Ann Parker Statement **exhibit 20.3**, Brandy Bottini-Elkins Letter **exhibit 20.4**, Melinda Walmsley Special Rapporteur on the Sale of Children, Dr. Juan Miguel Petit, Office of the High Commissioner for Human Rights United Nations, **exhibit 20 .5** Kansas Statutes on Kidnapping by Deception, **exhibit 20.6**. Kansas Kidnapping Case **exhibit 20.7**

91. Price was never given access to the adoption case which unlawfully preceded the termination of his parental rights despite the clearly established right of a natural parent to have access to the records to defend against termination under Kansas controlling precedent in *Nunn v. Morrison*, 608 P.2d 1359, 227 Kan. 730 (Kan., 1980) determining a nondiscretionary duty to make available SRS records used to terminate parental rights.

92. The Hon. Lee A. Johnson initiated the disbarment of Landrith for seeking these records and for asserting that Price as an American Indian not on a reservation was still within the protection of the federal Indian Child Welfare Act.

93. Bret D. Landrith's appellate argument has now been adopted by the Kansas Supreme Court in *In The Matter Of A.J.S.*, Kansas Supreme Court Case No. 99,130 (KS

March 27th 2009).

94. The State of Kansas also continues to pursue the process server in the federal litigation relating to David Martin Price and the federal action to enjoin the bad faith State of Kansas disbarment proceeding in over 7 years of retaliation. See *State of Kansas, Dept. of CSE v Janice Lynn King* , KS Dist. Case no. 09-4109-JAR removed to federal court on August 2, 2009.

95. After disbarment in 2005, Landrith has been prevented repeatedly from obtaining employment even in manual labor positions.

96. This is despite the fact Landrith moved to flee the persecution and became a citizen of the State of Missouri.

97. The State of Kansas Office of Attorney Discipline acting through its state officials has made repeated fraudulent representations to Missouri employers including between April 11 and April 30, 2007 during a failed scheme to entrap Landrith in a temporary clerical assignment with State of Kansas Attorney Discipline Official Rex A. Sharp and his associate Isaac L. Diel.

98. See *Lipari v. GE et al.* W.D. of MO Case no. 07-0849-CV-W-FJG Racketeering Act Number Twelve (Attempted Extortion Over Petitioner's Witness Bret D. Landrith)

see Amended Complaint Dated 12-07-07 at pages 54-56

<http://www.medicalsupplychain.com/pdf/Lipari%20v%20GE%20et%20al%20Federal.pdf>

99. In the set up by Rex A. Sharp and his associate Isaac L. Diel, Landrith attempted to correct the misrepresentations the Kansas attorneys made to Accountemps of Kansas City, Missouri, Landrith's employment service. See **exhibits 21 and 22**

100. Landrith had substantially depended on the fraudulent employment opportunity he had accepted with State of Kansas Attorney Discipline Official Rex A. Sharp and his

associate Isaac L. Diel. See **exhibit 23**

101. While the continuing retaliation against Landrith's former client David Martin Price in violation of 18 USC §§241 and 242 is at the direction of Kansas Attorney General Steve Six, the State of Illinois is actively extorting prospective legal representation of Price in Kansas State court by preventing Price's former attorney Craig Collins from representing him.

102. See *Lipari v. Novation LLC*, Mo 16th Cir. Case 0816-04217, Proposed Third Proposed Amended Petition at pages 125-127 describing Jerome Larkin, the Administrator The Illinois Attorney Registration and Disciplinary Commission conduct to prevent the Kansas licensed attorney Craig Collins licensed attorney from adequately representing Lipari's other witness Dustin Sherwood in the W.D. of Missouri federal bankruptcy court and of an earlier attempt by the same attorney to compromise Lipari's prosecution of the Novation LLC hospital supply cartel.

103. David Martin Price in his sworn petition to obtain prospective injunctive relief against the defendants the Kansas District Court and its Chief Judge Hon. Judge Kathryn H. Vratil captioned *David M. Price v. Hon. Judge Kathryn H. Vratil*, KS Dist. Case No. 09-2198-CV-FJG describes the similarly situated victim Donna Huffman, a client of Landrith that was retaliated against by the Kansas Attorney Discipline Office because the Kansas SRS Attorney Matt Boddington had written a letter to the Kansas Attorney Discipline Office saying Huffman should not be allowed to take the Kansas Bar Exam or become an attorney.

104. The David Martin Price petition states that the State of Kansas officials took this action against Donna Huffman because Huffman had prevailed in an appeal of the

Kansas SRS decision to not protect Huffman's daughter from physical abuse.

105. The abuse was reported by the State of Kansas' leading Pediatrician when the child had to be hospitalized immediately after a visitation with Huffman's ex husband.

106. The Kansas Attorney Discipline Administrator Stanton Hazlett testified that Donna Huffman was unfit and lacked the character to become an Attorney because Huffman had challenged and appealed a State of Kansas Agency decision.

107. The Kansas Attorney Discipline Administrator Stanton Hazlett had similarly recommended that Bret D. Landrith be disbarred because he had participated with David Martin Price as Price's appellate counsel and appealed the decision of the trial court so had therefore acted in violation of the Kansas Rules of Professional Conduct deserving its most serious penalty. See Lipari affidavit ¶ 15 **exhibit 1**

108. The Kansas Attorney Discipline Prosecutor Gail B. Larkin investigated Donna Huffman on the probable cause that she was unfit to be admitted to the Kansas Bar because she had let Bret D. Landrith represent her in a securities lawsuit *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 while Landrith was still admitted in the US District Court for the Western District of Missouri.

109. The Kansas Attorney Discipline Prosecutor Gail B. Larkin argued Donna Huffman was unfit and lacked the character to be an attorney because Landrith had filed the petition *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 before Landrith was reciprocally disbarred by the US District Court for the Western District of Missouri without a hearing.

110. The lawsuit *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 was based on skimming of undisclosed fees from Simple IRA Mutual Fund

accounts, presaging the New York Attorney General's class action against the Kansas City Missouri Bloch family controlled corporation H&R Block on the company's Express IRA's

111. The lawsuit's claims detailed the antitrust laws applicability to restraints of trade in the marketing of securities through commercial bribes and kickbacks, predicting the United States Court of Appeals for the Second Circuit repudiation of implied securities antitrust immunity in *Billing v. Credit Suisse* 2005 WL 2381653 (2d. Cir. Sept. 28, 2005).

112. The *Huffman v. ADP, Fidelity* action is available on Stanford Law School's class action website and was resolved through settlement in favor of the plaintiff. The Stanford University School of Law identified Landrith's petition as a model complaint and an article about the case is available on the Stanford Law School Securities Class Action Clearing House case is at http://securities.stanford.edu/1035/ADP05_01

113. The petition itself as drafted by Bret D. Landrith is available on the Stanford University Law School Securities Class Action web site at http://securities.stanford.edu/1035/ADP05_01/20051129_f01c_Huffman.pdf

114. The plaintiff Donna Huffman was forced to continue on *pro se* given the inability of securities attorneys to undertake a momentous and ground breaking securities suit on such short notice but Huffman was encouraged by securities attorneys to continue *pro se* based on the soundness of the complaint and the likelihood its antitrust allegations would prevail.

115. Donna Huffman did not seek class action status because she was unable to obtain class representation, leaving the class of approximately 300,000 small business owners who had fees taken without disclosure from their mutual fund based retirement savings

and had received through ADP, the accounting firm doing 1/6th of the nation's payroll deceptively named Fidelity Mutual funds that were in fact underperforming similarly named copies of Fidelity's popular performing mutual funds.

116. After the complaint was filed detailing the funds Fidelity distributed through ADP without disclosure of fees in the current and preceding years that as law required.

117. Landrith was denied an opportunity to sit for bar in Israel by Israel Bar. See **exhibit 24** Landrith question to Israel Supreme Court **exhibit 24.1** Landrith resume for Israel Supreme Court **exhibit 24.2** Israel Bar response to Landrith

118. Landrith denied opportunity to represent Shelia Mannix in the 7th Circuit US Court of Appeals an appeal public corruption RICO in Northern District of Illinois See **exhibit 25**.

119. Landrith gave notice of the 7th Circuit directed entry of appearance to Ms. Sara S. Beezley, Chairman of the Kansas Board of Discipline of Attorneys **exhibit 25.1** and notice to Richard E. Hayse, Chairman of the Kansas Commission on Judicial Performance Board **exhibit 25.2** , and notice to Kansas Supreme Court Clerk Ms. Carol Green **exhibit 25.3**.

120. On November 13, 2009 The Kansas Supreme Court ruled that Donna Huffman had the character and fitness to take the bar exam reversing the majority determination of the Kansas Attorney Discipline Office and the Arguments of Kansas Attorney Discipline Prosecutor Gail Larkin that had kept Donna Huffman from taking over six attorney Bar Entrance Exams.

121. On November 19, 2009, the Kansas Supreme Court corrected the perception of Kansas attorneys that they would be retaliated against and disbarred that

unconstitutionally kept David Martin Price from having legal counsel in two KDC Habeas Corpus actions in violation of the Sixth Amendment. See **exhibit 26** and **exhibit 27**.

122. The KDC has knowledge though Magistrate James P. O'Hara of the bad faith of the State of Kansas action against Landrith in that Landrith's process server was retaliated against by the State of Kansas for serving process in the federal action *Landrith v. Hazlett* (see **exhibit 28**)and in defense of the disbarment prosecution. See KDC current Civil Rights action, *Janice Lynn King v. KBA*.

123. The KDC has knowledge though Magistrate James P. O'Hara that the State of Kansas caused Janice Lynn King's IRS refund and support to be unlawfully taken from her as a punishment for her service of process. See *King v. KBA*.

124. The KDC has knowledge though Magistrate James P. O'Hara of the bad faith of the State of Kansas action against Landrith in that Landrith's process server was subjected to Due Process violations through an unlawful SCDS court and a second concurrent judge proceeding without jurisdiction and under the direction of Assistant Attorney General Steve Phillips. See *King v. KBA*.

125. The KDC has knowledge though Magistrate James P. O'Hara that Frank Kirtdoll an African American who had lost property to the City of Topeka attempted to have Magistrate James P. O'Hara recused for bias in the Kansas District Court case *Kirtdoll v. City of Topeka* where Frank Kirtdoll was acting pro se.

126. The KDC has knowledge though Magistrate O'Hara that Magistrate O'Hara while under oath concealed from the Landrith disbarment tribunal the identity and race of the African American Frank Kirtdoll the *pro se* Civil Rights plaintiff. See **exhibit 29**

127. Frank Kirtdoll had made an affidavit in James Bolden's case as a witness to the assistant city attorney Sherri Price's threat to criminally prosecute Fred Sanders a minority Topeka business man for land use violations if he testified against the City of Topeka in the *Bolden v. City of Topeka* federal case where Bolden was represented by Landrith. See **exhibit 30** Kirtdoll Affidavit.

128. The affidavit stated Sherri Price came on to Fred Sanders property with two City of Topeka police cars and a code compliance officer to perform an inspection knowing Fred Sanders attorney was out of town. See **exhibit 30** Kirtdoll Affidavit.

129. The KDC has knowledge though Magistrate Judge Gerald L. Rushfelt that the replacement attorney Dennis Hawver in *Cremeen et al v. Schaefer et al* 04-cv-02519-CM-GLR was threatened if he did not voluntarily dismiss the Ponzi Scheme co-defendant Steve Strayer.

130. Magistrate Judge Gerald L. Rushfelt threatened to sanction Hawver because Rex A. Redlingshafer of Stanton & Redlingshafer, LLC had given a notice of Strayer's bankruptcy filing on 02/25/2005 before a finding of Strayer's guilt in the Arizona real estate development RICO Enterprise Ponzie racketeering scheme.

131. The KDC has knowledge though Hon. Judge Carlos Murguia that Hon. Judge Carlos Murguia sanctioned Landrith and threatened to sanction Samuel K. Lipari if the action and any replacement attorney if *MSC v. Neoforma* was continued in anyway.

132. The KDC has knowledge though Hon. Judge Carlos Murguia that Hon. Judge Carlos Murguia made this sanction, later dropped even though Landrith had pled the elements of each claim alleged and that controlling US Supreme Court law permitted MSC to seek damages for injury that MSC's earlier injunctive relief action had failed to

prevent. See **exhibit 31** *MSC v. Neoforma* complaint **exhibit 32** *MSC v. Neoforma* brief.

133. The KDC has knowledge through Hon. Judge Carlos Murguia that the MSC complaint described RICO conduct committed by the defendants as extrinsic fraud to procure a dismissal of MSC's claims through disbarment of Samuel K. Lipari's counsel Bret D. Landrith. See **exhibit 33** *MSC v. Neoforma* complaint disbarment excerpt.

134. The appeal was ordered to be briefed revealing Landrith had met the pleading requirements for antitrust, had alleged subsequent antitrust and RICO claims which were also sufficiently pled but the appeal where Lipari had to find a replacement counsel willing to take the appeal in the face of Hon. Judge Carlos Murguia's sanction threat was dismissed for being one day late. See **exhibit 34**

135. The KDC has knowledge though Hon. Judge Carlos Murguia that MSC's replacement attorney withdrew because of the criminal conduct in the case. See *Withdrawal of Dennis Hawver*.

136. Austin K. Vincent committed fraud by omission in hearings where Baby C's natural father was not present and where Austin K. Vincent had a duty to provide the necessary and required records to the SCDC and the ICPC was not submitted until after being repeatedly requested in the adoption appeal. See Landrith's adoption appeal brief (**exhibit 15**) and Baby C order **exhibit 17.3**

137. The Shawnee County District Court ("SCDC") withheld adoption evidence from David Martin Price including the ICPC form required under state to prevent child trafficking. See Landrith's adoption appeal brief **exhibit 15** and transcript of SCDC denying possession of the adoption appeal records saying the Kansas Attorney General Phil Kline had them **exhibit 16.3**, and transcript of Assistant Attorney General M J.

Willoughby, **exhibit 35**.

138. SCDC transported Baby C to the state of Colorado without a child in need of care determination. See Baby C SCDC Appearance Docket **exhibit 17.4**

139. The SCDC appointed Attorney was unable to get the infant returned to its natural father David Martin Price.

140. The parental rights of David Martin were terminated by the SCDC because Price was not found to have spent sufficient time with his infant son that had been taken to Colorado. See Landrith's adoption appeal brief **exhibit 15**

141. Adoption brief ICPC did not surface until the adoption attorney Austin K. Vincent produced one in appellate court. See Landrith's adoption appeal brief **exhibit 15, exhibit 16**

142. The ICPC has facial irregularities related to information provided by Austin K. Vincent and the adoptive parent clients falsely misrepresenting the adoptive parents as residing in the State of Kansas when they in fact lived in the State of Kansas. See Landrith's adoption appeal brief **exhibit 15** and ICPC **exhibit 16**

143. Austin K. Vincent had participated in defending a contemporary adoption where the adoptive parent clients had been found to commit fraud nullifying the adoption through the same ICPC facial irregularities falsely misrepresenting the adoptive parents as residing in the State of Kansas when they in fact lived in the State of Missouri. See Landrith's adoption appeal brief **exhibit 36**.

144. The court in *Bolden v. City of Topeka* determined that a natural father such as David Martin Price had the right to seek redress against the conduct of taking an infant son through adoption fraud even in federal court. See Bolden Order *Bolden v. City of*

Topeka Kansas 441 F3d 1129.

145. The Kansas Disciplinary Administrator Stanton Hazlett regularly used *ex parte* communications with the law clerks of Kansas Supreme Court Justices to co-write the opinions issued in discipline cases by the Kansas Supreme Court without knowledge of the respondent attorneys or their counsel.

146. This shocking practice of holding proceedings without even the semblance of Due Process led to a continuing legal education class of Kansas prosecuting attorneys being told the outcome of one year suspension in Kansas Supreme Court discipline case *In re Vanderbilt* case no. 93, 394 by the Stanton Hazlett supervised prosecutor Alexander M. Walczak before the opinion was released or filed April 22, 2005 by the Kansas Supreme Court. See *In the Matter of Vanderbilt* docket. **exhibit 37**

147. Jimmie A. Vanderbilt and his attorney John J. Ambrosio found out the Kansas Supreme Court order when the then Douglas County District Attorney attending the CLE class taught by Alexander M. Walczak called Vanderbilt after the lecture.

148. The opinion issued later was exactly as Alexander M. Walczak had described during the CLE class.

149. Jimmy Vanderbilt was reinstated on 24-JUL-07 even though he had met almost none of the reinstatement requirements. See *In the Matter of Vanderbilt* docket. **exhibit 37**

150. Jimmy Vanderbilt was used by the Kansas Attorney Discipline Office to obstruct justice in Donna Huffman's appeal of the Kansas SRS' failure to protect Huffman's daughter from abuse, *L.E.H., A Minor Child, By And Through Donna Huffman, v. State Of Kansas Department Of Social And Rehabilitation Services*, KS Appeals Case No.

100893, now a federal crimes against women investigation by the Civil Rights Office of the USDOJ. See KS Appeals Ct Appearance Docket. **exhibit 38**

151. Kansas Attorney Discipline Office Prosecutor Gail B. Larkin required Donna Huffman's appeal of the SRS conduct to be obstructed and therefore prevent the validity of Huffman's exercise of her Right to Redress to protect her daughter from the most extreme and documented abuse from being validated.

152. The Kansas attorney Craig Collins then took over for Jimmy A. Vanderbilt but still continued to stall missing several jurisdictional appeals court deadlines. KS Appeals Ct Appearance Docket **exhibit 38**

153. The Kansas Deputy Attorney General Angela Wilson that sought the Kansas Supreme Court Bench warrant jailing David Martin Price for not showing up at a Supreme Court hearing held in the absence of jurisdiction and during a pending appeal of the suspended remand order was heard by the witness Joe Ledbetter that she had pre arranged the outcome of the Kansas Supreme Court hearing to jail David Martin Price through *ex parte* communication with the Kansas Supreme Court. KS Appeals Ct Appearance Docket **exhibit 39**

154. The KDC has knowledge through Magistrate David S. Waxse that the KDC electronic discovery policy developed by Magistrate David S. Waxse resulted from the memorandum arguments in support of the pre trial conference submitted by Landrith in the pre trial plan in *MSC v. US Bancorp et al.*

155. The KDC has knowledge through Magistrate David S. Waxse that Landrith was mocked and criticized for following Magistrate David S. Waxse's required published local case management conference form because Magistrate David S. Waxse's form

added requirements that were not in the West Published Federal Rules of Civil Procedure.
See audio recording of case management conference.

<http://www.medicalsupplychain.com/pdf/Suggart%20Thompson%20Kilroy%20Steven%20Ruse%20Mark%20Olthoff%20Conversion.wav>

156. The KDC has knowledge through Magistrate David S. Waxse that Magistrate James O'Hara's law firm assured Magistrate David S. Waxse on the case management telephone conference over the disputed case management order that MSC action would be dismissed by Hon. Judge Carlos Murguia.

157. The defendants Hon. Judge Katheryn Vratil and the KDC have knowledge and records of any emails sent from State of Kansas officials to Hon. Judge Sam Crow directing Judge Crow to remand back David Martin Price's removal case and that David Martin Price, his wife Rosemary Price, Janice Lynn King and her daughter Mary Elizabeth Ziegler had been previously retaliated against because of Rosemary Price's testimony in a case of Bret D. Landrith's before Hon. Judge Sam Crow. See **exhibit 39.1** US Marshall Affidavits, also testimony Assistant US Attorney D. Brad Bailey was warned to discontinue the retaliation against Landrith's witnesses, prompting the retaliation against David Martin Price, his family and Janice Lynn King's family. See deposition of Rosemary Price excerpt **exhibit 39**.

158. The defendants Hon. Judge Katheryn Vratil and the KDC chose the judge in their own proceeding by assigning the Chief Judge Hon. Fernando J. Gaitan, Jr. of the neighboring Western District of Missouri, a court in the Eighth Circuit, not the Tenth Circuit.

159. Chief Judge Hon. Fernando J. Gaitan, Jr. had previously ruled contrary to a

unanimous decision by the US Supreme Court on sufficient pleading of RICO mail and fraud claims where David Martin Price was identified as a witness to the racketeering and the Western District of Missouri's unlawful attempted *sua sponte* dismissal of Price's False Claims Act case *United States ex rel Michael W. Lynch v Seyfarth Shaw et al.* Case no. 06-0316-CV-W- SOW before the US Attorney or the USDOJ Main Justice became involved.

160. Bush Administration presidential political advisor Karl Rove installed an interim US attorney in Kansas City, Bradley Schlozman of Kansas.

161. Schlozman was attempting to hire Assistant US Attorneys on the basis of their political allegiance to conservative Republican ideology.

162. This misconduct has been reported by the US Department of Justice Inspector General but what has not been reported is the political targeting of Missouri Democratic elected officials for federal criminal prosecution.

163. Mostly African American Democrats were targeted in the W.D. of Missouri for politically motivated prosecutions.

164. Bonnie Sue Lawson, the Public Administrator of Kansas City; Rev. Saundra Mc Fadden – Weaver, a City Council Woman of Kansas City; Robert Young, also a City Councilman; Carl W. Bussey of the Jackson County Legislature; and Bill Waris were targeted.

165. The Jackson County Executive; Kathryn Shields, also a Jackson County commissioner along with her husband Phil Cardarella, a Kansas City attorney in private practice and even Kansas City's former mayor and current Congressman Emanuel Cleaver were all targeted as part of Karl Rove's use of the US Department of Justice to

destroy the lives of local level Democrat politicians in Missouri and other key electoral states to ensure President George W. Bush's reelection in a way that would not become national news.

166. Bonnie Sue Lawson; Rev. Saundra Mc Fadden; Robert Young; Carl W. Bussey; Bill Waris; Kathryn Shields; Phil Cardarella; and Emanuel Cleaver were all targeted because of their role in the Missouri Democratic Party and their potential to obtain higher elected office as democrats.

167. In addition to being prosecuted by Republican Party loyal Assistant US Attorneys, many had their cases steered in the same federal courthouse to Republican appointed judges, despite random assignment protocols.

168. Extrinsic fraud was also used to procure plea bargains. Rev. Mc Fadden's attorney had his son threatened to dampen his interest in vigorously defending McFadden.

169. A documentary on the targeting of the 600 Democrat office holders that appears to have started in the Western District of Missouri US Court is entitled The Political Prosecutions of Karl Rove by Hollywood director John McTiernan (Die Hard, Predator, The Hunt for Red October) of what was done to Democrats in Kansas City and around the country has been made available on the web by politicalprosecutions.org and can be viewed online at <http://video.google.com/googleplayer.swf?docid=9039532731256680760&hl=en&fs=true%2522%2520id=%2522VideoPlayback>

170. The KDC has knowledge though Hon. Judge Hon. Fernando J. Gaitan, Jr. of the denial of a law and based ruling in David Martin Prices' injunction action against the present defendants.

171. The KDC has knowledge though Hon. Judge Carlos Murguia and Hon. Judge Wesley E. Brown of through KDC Cases 09-3268 and 09-3302 respectively of the bad faith acts of the Kansas Supreme Court and Kansas Attorney General Steve Six against Landrith's former client David Martin Price in the absence of State of Kansas jurisdiction while Price's removal was on appeal in the exclusive jurisdiction of the Tenth Circuit.

172. A petition to members of the Kansas legislature is now circulating stating "David Martin Price, insofar as the People have been made fully aware that his incarceration from August 6, 2009 through August 11, 2009 was ordered by the Supreme Court of Kansas for his failure to appear before the Kansas Supreme Court on an accusation for contempt of violating the Rules of Disciplinary for Attorneys rule 5.5."

173. The petition states "We the People are fully aware that Prisoner David Martin Price, is not, has not ever been and will never be and attorney within the State of Kansas and the rules governing attorneys do not apply to non-lawyers as written."

174. The petition states "We the People are aware that there is no law to which Prisoner David Martin Price violated to be incarcerated indefinitely under this state action since August 12, 2009." See We the People Petition **exhibit 3** and the finding of the earlier Kansas Supreme Court panel that David Martin Price "practiced law" was based solely on David Martin Price's 1st Amendment Constitutionally protected speech in his own defense before the Supreme Court in response to the panel's own questions **exhibit 40** and the courts own audio recording of the hearing:

<http://judicial.kscourts.org:7780/Archive/2007%20court%20hearings/Sept%2007/September%204,2007/96481.mp3>

175. In the above audio the Kansas Supreme Court justices specifically ask what attorneys have helped David Martin Price and Price does not give the name of Craig E. Collins saying the court had disbarred his previous attorney for representing him and n November 19, 2009 the Kansas Supreme Court appointed the attorney Richard Lake to serve as standby counsel for David Price. See WIBW article. **exhibit 41**

MEMORANDUM OF LAW

The plaintiff was not a party to either the State of Kansas disbarment of Landrith or the reciprocal proceedings in the Kansas District Court against Landrith.

I. Plaintiff's Proposed Injunctive Relief Not Subject To Claim Or Issue Preclusion

Under *Ruple v. City of Vermillion*, 714 F.2d 860, 862 (8th Cir. 1983) there is no privity of interests or relationship between the plaintiff and the prosecution of the Bush Millman crime syndicate.

Landrith was denied a hearing in Kansas District Court and no discovery was permitted. The plaintiff cannot be denied his cause on the basis of claim or issue preclusion from this court's reciprocal disbarment of Landrith because under the current controlling law in a unanimous US Supreme Court ruling on this issue, "...such 'nonparty preclusion' runs up against the 'deep-rooted historic tradition that everyone should have his own day in court.'" *Taylor v. Sturgell* 553 U.S. ____ (2008).

II. Preventing Landrith from Representing the Plaintiff Violates *Selling v. Radford*, 243 U.S. 46

The Kansas District Court cannot prevent Landrith from representing the plaintiff because the court is unable to sustain its imposition of reciprocal disbarment on Bret D. Landrith when doing so violates the United States Supreme Court cases *Drew v. Tidwell* Case no. 01-6900 , and *Selling v. Radford*, 243 U.S. 46.

“The Supreme Court has identified three circumstances in which a federal court should not impose reciprocal disbarment on the basis of state court disbarment: (1) absence of due process in the state procedure, (2) substantial infirmity in the proof of lack of private and professional character, or (3) "some other grave reason" sufficient to indicate that reciprocal disbarment was inconsistent with "principles of right and justice." *Selling v. Radford*, 243 U.S. 46, 50-51, 37 S.Ct. 377, 61 L.Ed. 585 (1917); see *In re Edelstein*, 214 F.3d 127, 131 (2d Cir.2000).”

Drew v. Tidwell, Case no. 01-6900 at ¶9 (USSC 2002).

The plaintiff is entitled to judgment to enjoin the Kansas District Court and or its Chief Judge Hon. Judge Kathryn H. Vratil from preventing Landrith from representing the plaintiff based on the application of the uncontrovertible facts to the *Selling v.*

Radford elements:

(1) absence of due process in the state procedure

The defendants Hon. Chief Judge Kathryn H. Vratil and the Kansas District Court know that Landrith was deprived of due process in the State of Kansas disbarment because Hon. Judge Kathryn H. Vratil and Kansas District Court Magistrate Hon. James P. O'Hara directly participated in procuring the State of Kansas Disbarment.

a. The Extrinsic Fraud on the State of Kansas Supreme Court by Kansas District Court Magistrate Hon. James P. O'Hara

The Kansas District Court Magistrate Hon. James P. O'Hara in his role as a testifying witness participated in State of Kansas Disciplinary Administrator Stanton A. Hazlett’s extrinsic fraud on the Kansas Supreme Court when Hon. James P. O'Hara falsely testified on the stand and also testified to denigrate Landrith’s legal competency in

a Kansas District Court cases including the Medical Supply Chain, Inc. litigation where the law firm Hon. James P. O'Hara had an interest in.

Hon. James P. O'Hara refused to admit his criticism of Bret D. Landrith's legal competency was used to obstruct justice in David Martin Price's action against the Kansas Supreme Court Chief Justice Kay McFarland in *Price et al v. McFarland et al* Dist. Of Kansas Case No. 04-cv-04058-RDR to stop the kidnapping of Price's infant son, where Landrith was neither an attorney or a party. See **exhibit 42** excerpt from state disbarment evidentiary hearing sworn testimony of Hon. James P. O'Hara.

The Kansas District Court Magistrate Hon. James P. O'Hara committed this conduct in his role and function as a testifying witness See **exhibit 42 id.**

The Kansas District Court Magistrate Hon. James P. O'Hara participated in the extrinsic fraud of State of Kansas Disciplinary Administrator Stanton A. Hazlett where Hazlett proffered that Landrith was incompetent and should be disbarred because of a pretrial order written by Magistrate Hon. James P. O'Hara and the proffered fraudulent testimony and perjury of Topeka City Attorney Sherri Price that Landrith had been sanctioned in the Bolden case for his incompetence. See **exhibit 43**

The pre trial hearing on which the Kansas District Court Magistrate Hon. James P. O'Hara had been pre arranged to attack Landrith, then a new attorney for his representation of the African American James Bolden's racial discrimination civil rights claims, (Bolden's five previous attorneys had been extorted from representing Bolden's claims even though this court later determined they were colorable).

The official court audio recording shows Kansas District Court Magistrate Hon. James P. O'Hara repeatedly abused Landrith and in fact spent almost no time on the

actual scheduling-the purpose of the hearing and almost no time with Sherri Price the only attorney present for the City of Topeka:

<http://www.medicalsupplychain.com/pdf/Bolden%20Hearing.wav>

Topeka City Attorney Sherri Price testified falsely that Landrith had been sanctioned for representing James L. Bolden. See excerpt from state disbarment evidentiary hearing sworn testimony of Sherri Price. See OCR scanned transcript for Vol II (scan contains symbol, letter interpretation errors) **exhibit 44.1-44.3**

Kansas District Court Magistrate Hon. James P. O'Hara was a managing partner at Shughart, Thomson Kilroy and the law firm's attorneys Hon. James P. O'Hara supervised had failed to meet the standards in the litigation that Hon. James P. O'Hara had falsely faulted Landrith (See **exhibit 43** Disbarment Hearing Transcript Vol. II) for and even missed the Tenth Circuit brief deadline with the attorney Hon. James P. O'Hara supervised having to be called by the Clerk of the Tenth Circuit:

Andrew DeMarea failed to file a reply brief in the interlocutory appeal for the US Bancorp appellees.

The Tenth Circuit court clerk called him two days later to remind him and urged him to file for an extension one day beyond the date the brief was due and seven days beyond the deadline for a motion for extension of time under 10th Cir. R. 27.4(F). Atch(7)

Kansas District Court Magistrate Hon. James P. O'Hara was reversed in part on his ruling regarding the Pre Trial Order in Bolden's case as a result of Landrith's Memorandum in Objection. See **exhibit 45** Landrith Letter to Judge O'Hara, **exhibit 46** Objection to Pretrial Order.

The trial court was then overturned on the basis of Landrith's appellate brief to the Tenth Circuit. *Bolden v. City of Topeka, Kan.*, 441 F.3d 1129 at 1145 (10th Cir., 2006) (Trial court overturned on dismissal of federal civil rights claims after Bret Landrith is disbarred.)

b. The Extrinsic Fraud on the State of Kansas Supreme Court by Kansas District Court Chief Judge Hon. Judge Kathryn H. Vratil

The Kansas District Court Judge Hon. Carlos Murguia knows that the records of the Kansas District Court case shows a basis for concluding that the defendant Hon. Chief Judge Kathryn H. Vratil committed extrinsic fraud on the Kansas State Supreme Court by wire when she appears to have telephoned the Kansas Supreme Court while it was empanelled and hearing oral arguments, just before Landrith's disbarment oral hearing was called. See **exhibit 47** *Lipari v. US Bank* Complaint procedural history excerpt.

The official Kansas Supreme Court audio recording of hearing shows that the panel headed by then senior Kansas Supreme Court Hon. Justice Donald L. Allegrucci was antagonistic to Landrith and hostile to his work as an attorney even though incorrectly stated that Landrith had never practiced before him, causing an independent observer to conclude *ex parte* information about Landrith had been received by the court.

The audio is on the Kansas Supreme Court web site:

<http://judicial.kscourts.org:7780/Archive/2005%20court%20hearings/Oct/94,333.mp3>

The *ex parte* information clearly can be concluded was extremely prejudicial because Landrith had indeed practiced before the court and Hon. Justice Donald L. Allegrucci had written the opinion in *Eric And Ryan Montoy, et al., v.State Of Kansas, et al.* KS Case no. 91,915 ruling partially in favor of Landrith and overturning the lower

Shawnee County Kansas District Court. <http://www.kscourts.org/Cases-and-Opinions/opinions/supct/2005/20050103/91915.htm>

Landrith had not orally argued the cause because the preparation for what is now known to be a sham Kansas Disciplinary tribunal (see the extrinsic fraud of the findings committed by Kansas State Disciplinary Attorney Gail B. Larkin *supra*)

The Kansas District Court was subjected to efforts of State of Kansas officials to disrupt the appeal by suspending Landrith and making Landrith defend his license during the 10th Circuit briefing schedule and through Kansas District Court personnel refusing to delay the transfer of the record on appeal for transcripts until an order had to be issued by the Court of Appeals to stop the obstruction, the Tenth Circuit Court of Appeals Decision *Bolden v. City of Topeka*. 441 F.3d 1129 (10th Cir. 2006).

The Kansas District Court Judge Hon. Carlos Murguia knows that State of Kansas officials including state attorneys were using the taking of David Martin Price's infant son by unlawful means and through fraud to retaliate for Price's willingness to testify against the Housing and Urban Development fraud committed by the City of Topeka:

“294. Kansas Attorney General Paul Morrison met with David Martin Price and his attorney Craig Collins over the kidnapping of Baby C in retaliation for Price's protected public speech against former Mayor Joan Wagnon (later campaign treasurer for Governor Kathleen Sebelius and currently Secretary of the Kansas Department of Revenue).

295. The petitioner's attorney Bret D. Landrith had represented David Martin Price *pro bono* on the appeal when Price's Kansas State appointed attorney refused to do so.

296. David Martin Price (like Mark Hunt) was a crucial witness to the City of Topeka's theft of HUD funds in the Kansas District Court Civil Rights and Fair Housing Act case *James Bolden v. City of Topeka*, brought by the petitioner's attorney Bret D. Landrith.

297. Kansas Attorney General Paul Morrison before was shocked that the career staff of the Kansas Attorney General's office had kept the matter from him and examined the evidence with Craig Collins concluding the child had been unlawfully taken.”

MSC v. Neoforma et al KS District Court Case Notice of Concurrent State
Litigation *Lipari v. Novation LLC* Pg. 40 See **exhibit 48**

The Kansas Supreme Court has suffered from the misrepresentation of controlling law by Kansas District Court Judges in furtherance of the denial of civil rights to Landrith's American Indian client David Martin Price.

Hon. Judge Julie Robinson *Kansas ex rel. Kline v. Price*, 2006 WL 2795492, at *1 (D. Kan. Sep. 26, 2006) deviated from Tenth Circuit controlling authority and the Federal Rules of Civil Procedure in her treatment of the first removal by David Martin Price and his co-defendants.

In *State Of Kansas, ex rel. Stephen N. Six, Attorney General of Kansas, vs. David Martin Price* Case No. 09-4088 (D. Kan. June 5, 2009), Hon. Judge Sam Crow followed Hon. Judge Julie Robinson's decision despite clearly established Tenth Circuit authority that Price could remove the action again once the State Attorney General sought to charge him with contempt under *Kiowa Indian Tribe of Oklahoma v. Hoover*, 150 F.3d 1163 (C.A.10 (Okla.), 1998)

Despite the notice that the defendant Hon. Chief Judge Kathryn H. Vratil committed extrinsic fraud on the Kansas State Supreme Court to deprive the African American James Bolden of counsel, Hon. Chief Judge Kathryn H. Vratil did not recuse herself from being the trier of fact in *Bolden v. City of Topeka*, 546 F. Supp. 2d 1210 (D. Kan. 2008).

**(2) substantial infirmity in the proof
of lack of private and professional character**

During the hearing in Rosemary Price's adoption case, the Adoption Attorney Austin K. Vincent revealed on the record that Baby C's adoption had been completed the third week in April, before Rosemary Price filed her petition for adoption.

The hospital notes show that David Marin Price, never had access to the SCDC files to the non sham adoption proceeding that resulted in Baby C's adoption through Austin K. Vincent and that David Martin Price was entitled to under *Nunn v. Morrison*, 608 P.2d 1359, 227 Kan. 730 (Kan., 1980) determining a nondiscretionary duty to make available SRS records used to terminate parental rights.

The petition for the real Baby C adoption case was created by the Adoption Attorney Austin K. Vincent for the SCDC after the baby's birth on March 9th.

On April 26th, the husband of the birth mother and Austin K. Vincent received the results of the DNA test they had ordered and knew conclusively that David Martin Price was the natural father.

On April 26th, the birth mother, her husband and Austin K. Vincent created and began a plan to procure the adoption through extrinsic fraud on the SCDC.

On May 4th in the absence of the natural father David Martin Price, the birth mother, the husband of the birth mother and Austin K. Vincent who had a duty in the ex parte hearing to truthfully disclose all the known information to the State of Kansas court instead committed fraud by omission and Baby C was trafficked to Stratton, Colorado where the adoptive parents lived, even though they had fraudulently written "Stratton, Kansas" on the ICPC to evade the Kansas SRS procedures and the Colorado family services procedures to prevent child trafficking.

The sham petition used on May 4th by the birth mother, the husband of the birth mother and Austin K. Vincent to deceive the State of Kansas and deprive David Martin Price of a meaningful opportunity to challenge the adoption was allowed to expire without being renewed under the 180 day rule as Austin K. Vincent was required to do to maintain its validity.

The State of Kansas Supreme Court order disbars' Landrith for seeking the documents in preparation of appeal that revealed Austin K. Vincent's fraud of omission and the disbarment hearing transcript reveals that Landrith is mocked fro believing there is such a thing as fraud by omission or that Austin K. Vincent had a duty to give the knowledge to the court of the natural father David Martin Price's identity.

The disbarment tribunal also refused to hear evidence from David Martin Price on the deception created by Austin K. Vincent so that David Martin Price would only get notice on May 12th for a June 22nd hearing which did not reveal the subject of the hearing and was not even informed which SCDC courtroom to attend a hearing to challenge the adoption (the infamous secret "00" Division).

Austin K. Vincent had participated in a contemporary adoption appeal to preserve the taking of an infant through fraud by a Kansas Adoption attorney. *In the Matter of Adoption of AMM*, 949 P2d 1158 , 24 Kan. App. 2d 605 (Kan. Appeal 1997). The same modus operandi by the Kansas Adoption attorney enterprise was used to defeat the ICPC mechanism of the Kansas SRS to prevent trafficking of infants across state lines. The prospective adoptive parents in *AMM, In the Matter of* fraudulently represented their residence in Kansas when actuality the couple resided in Missouri.

The disbarment tribunal also refused to hear evidence from David Martin Price's appointed attorney Bruce D. Woolpert, Legal Advisor to the Kansas Army National Guard Adjutant General on why Baby C was not returned to Kansas, why Baby C's existence and knowledge of the birth mother's pregnancy had been kept from David Martin Price and that the child in need of care requirement of Kansas Statutes to do an involuntary adoption had not been met.

The ethics tribunal refused to let Frank Kirtdoll an African American who had lost property to the city and attempted to have Magistrate James P. O'Hara recused for bias in a federal case testify. Frank Kirtdoll had made an affidavit in James Bolden's case as a witness to the assistant city attorney Sherri Price's threat to criminally prosecute Fred Sanders a minority Topeka business man for land use violations if he testified against the city in the Racial Discrimination requires Clear and Convincing evidence, however Stanton Hazlett and the tribunal repeatedly prevented Landrith from presenting this evidence.

Stanton Hazlett withheld the affidavits of African Americans discriminated against and retaliated against by the City of Topeka for raising concerns about the misuse of federal housing funds and for asserting rights in Shawnee District court in order to obtain fraudulent probable cause in an *ex parte* hearing in order to prosecute Landrith for representing two members of protected classes.

The Kirtdoll affidavit stated Sherri Price came on to Fred Sanders property with two police cars and a code compliance officer to perform an inspection knowing Fred Sanders attorney was out of town. This is of course the threat of criminal prosecution that is a violation of Kansas ethics in the recent Kansas Bar Association Journal article.

The tribunal also refused to let Fred Sanders testify who was prevented from taking office as elected president of the Monroe Neighborhood Improvement Association where the *Brown vs. Board of Education* historic site is located for almost a year because he questioned what had happened to federal funds the city claimed had been spent in the neighborhood. The city also obtained a list of his property and retaliated against him by citing violations.

When Landrith answered the charges against him and attempted to put on evidence he was prevented from presenting supporting evidence required for his defense and specifically and repeatedly prevented by the panel from presenting evidence about the parental rights termination which became the post hearing basis for the disciplinary panel to recommend disbarment. See **exhibit 44.1-44.3** Vol. II Transcript excerpt.

The Kansas State Court officials in error and bias accused Landrith of an ethical violation in making baseless accusations about the murder rate in Topeka. The clear error is that Landrith described this as the political speech of David Martin Price and his fellow organizers of referendum campaigns in support of the election of judges. The ethics complaint DA8893 was made against Landrith for suggesting non judge Shawnee Court personnel in a district where all but one of the judges partisanly supported an appointment system with contributions may have seen David Martin Price as a threat and denied him access to records in his own case. Landrith clearly identified that he had no view for or against election of judges. In using the court's erroneous finding of fact imparting Price's political speech to Landrith, the court contradicted KRPC Rule 1.2 (b) which provides that a lawyer's representation of a client "does not constitute an endorsement of the client's political, economic, social or moral views or activities."

Kansas Attorney Discipline Administrator Stanton Hazlett and Steve Phillips made false representations of fact to the Tenth Circuit Court of Appeals in *Landrith v. Hazlett, et al* , Case No. 04-3364 by filing a motion entitled "Motion for Summary Disposition due to Mootness" on February 3, 2005, to secure a moot ruling against Landrith's attempt to enjoin this prosecution. **The motion argued that after the conclusion of the hearing, the disciplinary panel was unlikely to recommend Landrith for disciplinary action, therefore the federal case should be dismissed as moot.** However the panel had ruled that Landrith was to be recommended for discipline, something Stanton Hazlett witnessed and his agent Steve Phillips was responsible for knowing. The action was not at that time moot but the delay in the briefing scheduled caused by Stanton Hazlett and Steve Phillips' extrinsic fraud on the Tenth Circuit prevented the court from having the opportunity to protect Landrith's constitutional rights before the Kansas Supreme Court heard Landrith's case (the rule that a federal court could lose jurisdiction from a faster acting state court has now been reversed, which is why Price's present detention is unlawful). Landrith had the clear right to enjoin the prosecution of Hazlett's enforcement under *Leclerc v. Webb*, No. 03-30752 (Fed. 5th Cir. 7/29/2005) (Fed. 5th Cir., 2005) and *Dubuc v. Michigan Board of Law Examiners* (6th Cir., 2003) The clear and repeated error of Kansas state officials is that Landrith is wrongly deemed to have violated the KRPC for factually describing Stanton Hazlett and Steve Phillips' fraud. Stanton Hazlett and Steve Phillips violated KRPC 3.3(a)(1) by knowingly making a false statement of material fact to a tribunal.

More importantly the Kansas Supreme Court has ruled in violation of Landrith's right to freedom of association guaranteed by the First Amendment. According to the

United States Supreme Court, individuals have "a right to associate for the purpose of engaging in those activities protected by the First Amendment—speech, assembly, petition for redress of grievances, and the exercise of religion." *Roberts v. United States Jaycees*, 468 U.S. 609, 618, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984). This court cannot use his association James Bolden or David Price in seeking redress unrelated to Price's political advocacy for the election of judges as any basis for preventing Landrith from representing the plaintiff.

Bias Against Landrith For David Martin Price's Political Speech

The Kansas officials' error of fact over the cited answer by Landrith to the initial complaint and the formal charges where the state court was required under First Amendment precedents to thoroughly examine the record in its entirety for unlawful encroachment indicates ample bias. For the purpose of improving justice an examination of a source of bias leading to such error of fact and fundamental constitutional law leads to the court's participation in a Judicial Council preparing a substitute reform of performance reporting in retention elections announced on December 26, 2005 to counter legislative efforts to change the selection process for judges resulting from "...Kansas Supreme Court orders overturning the death penalty and ordering the Legislature to increase school funding. Those rulings prompted some lawmakers to propose measures that would limit the court and require legislative input in the selection of justices." The head of the Kansas Supreme Court panel hearing Landrith's case, Hon. Justice Donald L. Allegrucci chaired the Judicial Council, but did not disclose his participation in it. See "Judicial panel suggests reviews", Topeka Capital Journal December 26, 2005.

The state officials' error in basing Landrith's disbarment on the political speech of David Price is further compounded by the fact that the legislature made competent findings of fact based on testimony each of the several times it considered and rejected a bill to allow the substitution of Own Recognizance deposits with a court for the requirements of cash bonds in K.S.A. 22-2802 and the Kansas Constitution. The bills were rejected because of the increased problems with violent criminals remaining at large.

In Shawnee County where the practice has been permitted by ministerial order of the court under Supreme Court Administrative Order No. 96, *Smith v. State*, 264 Kan. 348, 955 P.2d 1293 at 1295 (Kan., 1998). Topeka has been among the highest violent crime per capita small cities in the nation according to FBI rankings. "Topeka ranks eighth in crime" Topeka Capital Journal, June 1, 2001, "Chief wary of report Topeka crime rate ranked worst for small metro areas" March 14, 2004, "The death of homicide." Topeka Capital Journal. January 2, 2005 detailing murders by year which can be interpreted during Shawnee bond period from mid 1980's until a decline from the effect of Maj. Walt Wywadis' description of prosecuting drug related cases in federal courts.

This court is unlawfully preventing the plaintiff from obtaining the representation of an attorney for the attorney's former client's unrelated fact based political speech on matters of a public concern during conduct (an election) to improve justice by changing the selection of judges. The plaintiff is at a loss to conceive of a greater deviation from First Amendment jurisprudence. It is of course worse, David Price, like James Bolden was exercising protected speech on behalf of minority citizens in Topeka's highest

minority neighborhoods, so this court is also participating with Kansas state officials in eviscerating 42 § USC 1981.

On its face, the disbarment order of the State of Kansas:

a. unlawfully encroaches Landrith's Freedom of Speech and rights under 42 U.S.C. § 1981 by justifying Landrith's disbarment for seeking relief in federal court for his African American client and later from the state's disciplinary prosecution;

b. unlawfully encroaches Landrith's Freedom of Association by justifying the disbarment of Landrith for the political speech of his American Indian client unrelated to the respondent's representation;

c. unlawfully encroaches Landrith's Freedom of Speech by justifying disbarment for factual reporting of events in a closed court of the parental rights termination action, after the action and appeal had concluded. Landrith accurately reported these events and proffered evidence during the closed court of his disciplinary proceeding.

d. impermissibly denies Full Due Process required under the Fourteenth Amendment for deprivation of the respondent's liberty interest in First Amendment and 42 U.S.C. § 1981 protected conduct in advocacy on behalf of members of a protected class.

e. erroneously adopts the pretext (unrefuted as required by *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)) that the City of Topeka's uncontested entry of appearance in Bolden's case could not have been a basis for competently establishing jurisdiction over the defendant contrary to the law of this district court and every federal circuit that an action against a city officer acting in his official capacity is an action against the city. The Supreme Court has held that a suit brought against an individual in

his official capacity is really "only another way of pleading an action against an entity of which an officer is an agent." *Kentucky v. Graham*, 473 U.S. 159, 165, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985) (quoting *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 690, n. 55, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978)). "As long as the government entity receives notice and an opportunity to respond, an official capacity suit is, in all respects other than name, to be treated as a suit against the entity." *Id.* at 166, 105 S.Ct. 3099.

(3) "grave reason(s)" denying the Plaintiff the representation of Landrith is inconsistent with "principles of right and justice"

James Bolden's federal filing merited hearing by a jury on civil rights claims and an appeal of race based and housing discrimination was scheduled for oral argument in the Tenth Circuit. When the U.S. District Court for Kansas takes away the plaintiff's right to have Landrith represent him because Landrith is somehow committing a punishable wrong under blatantly unconstitutional and openly secessionist State of Kansas law for bringing 42 USC 1983 Civil Rights claims to a federal court, even before there was a trial on the merits or a substantive ruling in Bolden's Tenth Circuit appeal, the U.S. District Court for Kansas is participating in the violation of the Supremacy Clause of the US Constitution and the plaintiff's Sixth Amendment rights, in addition to having prejudiced James Bolden and David Price's state and federal actions.

David Martin Price has currently lost his Liberty interest and is in the Shawnee County Jail with an indefinite sentence, the Kansas licensed attorneys Price and his wife sought out to provide him representation he was entitled to under the Sixth Amendment told him they were prevented from representing him under the Kansas Supreme Court

Rules of Professional Responsibility Rule 5. See WIBW Nov. 9, 2009 television interview <http://www.wibw.com/localnews/headlines/69625697.html>

James L. Bolden had his property interest in restoring his home demolished by the City of Topeka forfeited on the basis of the defendant Hon. Chief Judge Kathryn H. Vratil's findings as the trier of fact without the court's disclosure that Hon. Chief Judge Kathryn H. Vratil had participated in depriving Bolden of representation by Landrith through extrinsic fraud on the State of Kansas Supreme Court panel hearing Landrith's disbarment.

The defendant, Hon. Chief Judge Kathryn H. Vratil did not remove herself over the conflict and prejudice such conduct has on the ability to impartially hear a controversy recognized in the mandatory recusal requirement of 28 U.S.C. § 455 which reveals an impermissible bias.

The State of Kansas attempts to interfere with Landrith in the State of Missouri while he attempted to make a living by applying for clerical work at an accounting firm temporary agency was a violation of *Sperry v. Florida ex rel. Florida Bar*, 373 U.S. 379, 383 (1963).

**III. The Plaintiff's Right To Representation
By A Qualified Attorney in Federal Court is Independent
From The Conduct of the State of Kansas in Disbarring Landrith for
Ethically Representing An African American and his American Indian Witness**

Admission to practice law before a state's courts and admission to practice before the federal courts in that state are separate, independent privileges. "The two judicial systems of courts, the state judiciatures and the federal judiciary, have autonomous control over the conduct of their officers, among whom, in the present context, lawyers are

included. " *Theard v. United States*, 354 U.S. 278, 281 (1957). Thus, for example, "disbarment by federal courts does not automatically flow from disbarment from state courts." *Id.* at 282; accord *In re Ruffalo*, 390 U.S. 544, 547 (1968). This is true even when admission to a federal court is predicated upon admission to the bar of the state court of last resort. See *Selling v. Radford*, 243 U.S. 46, 49 (1916); see also *Theard*, 354 U.S. at 281 ("While a lawyer is admitted into a federal court by way of a state court, he is not automatically sent out of the federal court by the same route."). Once federal admission is secured, a change in circumstances underlying state admission -- such as a shift in domicile -- is "wholly negligible " on the right to practice before a federal court. *Selling*, 243 U.S. at 49.

The federal interest in the supremacy of the enforcement of 42 § USC 1981 rights through 42 § USC 1983 outweighs the interests of the defendant officials. Stanton Hazlett noticed Landrith that he would be formally prosecuted over the allegations in DA889, the day Landrith called Mark Hunt to testify against the City of Topeka in a Topeka federal courtroom before the hon. Judge Julie Robinson.

While Landrith is a member of the majority race, his advocacy on behalf of James Bolden and David Martin Price was protected under 42 U.S.C. § 1981. The Equal Protection Clause precludes selective enforcement of the law based on race or ethnicity. See *Whren v. United States*, 517 U.S. 806 (1996). In its recent decision in *Marshall v. Columbia Lea Regional Hospital*, ___ F.3d ___, 2003 WL 22230113 (10th Cir. September 29, 2003). the Tenth Circuit noted "Racially selective law enforcement violates this nation's constitutional values at the most fundamental level; indeed, unequal application of criminal law to white and black persons was one of the central evils

addressed by the framers of the Fourteenth Amendment.”

While the law of sufficiently stating a claim under the complex pleading requirements for civil RICO 18 U. S. C. § 1962 was evolving in the wake of law journal articles including Michael Goldsmith, *Judicial Immunity for White-Collar Crime: The Ironic Demise of Civil RICO*, 30 *Harv. J. on Legis.* 1, 18-22 (1993) analyzing its weakness of private civil litigation to deter the organized criminal misconduct that injured shareholders in the Bush Millman Lindner RICO Enterprise Enron Corporation, Bret D. Landrith was successfully crafting complaint petitions that met the heightened pleading standards this court was holding plaintiffs to.

The U.S. District Court for Kansas’ preventing of Landrith from representing the plaintiff because Landrith brought James L. Bolden’s colorable civil rights claims to federal court squarely violates the plaintiff’s First Amendment:

“the right of access to the courts has been described as "one aspect of the right to petition" protected by the First Amendment. *California Motor Transp. v. Trucking Unlimited*, 404 U.S. 508, 510, 92 S.Ct. 609, 611, 30 L.Ed.2d 642 (1972)...a government agency may not constitutionally revoke a permit or withhold legally required payments in retaliation for the filing of a court action. *Soranno's Gasco, Inc. v. Morgan*, 874 F.2d 1310, 1314 (9th Cir.1989); *Silver v. Cormier*, 529 F.2d 161, 163 (10th Cir.1976).”

Los Angeles County Bar Ass'n v. Eu, 979 F.2d 697 (C.A.9 (Cal.), 1992).

Access to courts does not only protect one's right to physically enter the courthouse halls, but also insures that the access to courts will be "adequate, effective and meaningful." *Bounds v. Smith*, 430 U.S. 817, 822, 97 S.Ct. 1491, 1495, 52 L.Ed.2d 72 (1977). Therefore, if a party engages in actions that effectively cover-up evidence and this action renders a plaintiff's state court remedy ineffective, they have violated his right of access to the courts. *Bell v. City of Milwaukee*, 746 F.2d 1205, 1261 (7th Cir.1984)

("To deny such access defendants need not literally bar the courthouse door or attack plaintiffs' witnesses."). In *Ryland v. Shapiro*, 708 F.2d 967 (5th Cir.1983), the parents of a murder victim filed suit alleging that two prosecutors covered up the fact that a murder had occurred and that the murderer was a fellow prosecutor. The plaintiffs claimed that by concealing such facts for eleven months, the defendants had caused them to delay bringing a wrongful death action against the murderer, and thus "wrongfully interfer[ed] with their access to the state courts." *Id.* at 969-70. The Fifth Circuit held that the delay created by the defendants could be a constitutional deprivation if the conduct prejudiced the plaintiff's chances of recovery in state court. *Id.* at 974.

The Kansas District Court and the US Circuit Court of Appeals are injured as a result of the continued participation by Kansas District Court officials in the Civil Rights violations of Kansas State officials under color of state law in retaliation for Landrith's minority race clients James L. Bolden and David Martin Price.

See **exhibit 49** Bolden email to Landrith showing Bolden was told that Landrith was incompetent and that he clearly had been deprived of a fair hearing in the second trial.

The Shawnee County District Court ("SCDC") a judicial unit under the supervision and ministerial control of the Kansas Supreme Court has committed extrinsic fraud by depriving David Martin Price of his Tenth Circuit appeal of a denial of Habeas Corpus relief by Hon. Judge Carlos Murguia, where David Martin Price was deprived of an attorney in Kansas district Court and of Landrith in the Tenth Circuit Appeal. The Shawnee County District Court interfered to obstruct justice in David Martin Price's Tenth Circuit Appeal by intercepting Legal Mail despite its clear marking and the

appropriate handling by the Shawnee County Correctional Facility in careful observance of federal law. The Shawnee County District Court (“SCDC”) is intercepting the mail of prisoners criticizing the Shawnee County Court as a regular practice to maintain political control. A USPS Postal Inspector team is investigating these felonies and the Tenth Circuit is in possession of an audio tape where a State of Kansas managing official acknowledges this misconduct by the Shawnee County District Court (“SCDC”) is occurring.

The Shawnee County District Court (“SCDC”) originally played a key role in the extrinsic fraud to cause the disbarment of Bret D. Landrith. Landrith’s inability to obtain access to Bolden’s legal file in SCDC and the anger of the Kansas Court of Appeals at Landrith attempting to obtain access to David Martin Price’s termination case were both used to justify Landrith’s disbarment.

Whereas for the above stated reasons, the plaintiff respectfully requests that the court grant his requested injunctive relief.

Respectfully submitted,

S/ Stewart A. Webb
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CERTIFICATE OF SERVICE

I hereby certified I have served the above motion on opposing parties by filing the above corrected Memorandum and exhibits on December 9th , 2009 electronically to cause the same to be uploaded on the court's ECMF filing system.

S/ Stewart A. Webb

Stewart A. Webb

Pro se Federal Whistleblower