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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

In Re: THOMAS OLIVER, Petitioner	Bk. No. 20-01053-CL7 Adv. No. 20-90093-CL BAP No. SC 21-1151 BAP No. SC 21-1182 No. 22-60019 No. 22-60020
THOMAS OLIVER, Appellant/Defendant v. ACTING UNITED STATES TRUSTEE, Appellee/Plaintiff/Criminal	**APPELLANT'S OPENING BRIEF**

I am seeking reversal of the order entered by the bankruptcy court on June 29, 2021, and the judgment by default entered on August 4, 2021, discharge of the fraudulently created debt, and dismissal of Appellee's complaint with prejudice. See doc. nos. 199 and 228, respectively. This appeal is brought pursuant to Canons 3(B)(6) and 3(C)(1)(a) and (e) of the Code of Conduct for United States Judges; the Rules of Professional Conduct; F. R. B. P. 5004(a); F. R. Civ. P. 37(a)(4); F. R. Civ. P. 60(b)(3); 18 U.S. Code § 2, 18 U.S. Code § 3, 18 U.S. Code § 4, 18 U.S. Code § 152, 18 U.S. Code § 157, 18 U.S. Code § 241, 18 U.S. Code § 1001, 18 U.S. Code § 1018, 18 U.S. Code § 1341, 18 U.S. Code § 1349, 18 U.S. Code § 1519, 18 U.S. Code § 1621, 18 U.S. Code § 1623, and 18 U.S. Code § 3057; 18 U.S. Code Chapter 47 (generally); 28 U.S. Code § 455; 28 U.S. Code § 1930(f)(1); and the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

JURISDICTION OF THE COURT

This court has jurisdiction under F. R. A. P. 6. A "person aggrieved" "whose rights or interests are directly and adversely affected pecuniarily by the decree or order of the bankruptcy court" may

appeal. *Fondiller v. Robertson* (*In re Fondiller*), 707 F.2d 441, 442-43 (9th Cir.1983) (internal quotations and other citations omitted). "Litigants are 'persons aggrieved' if the order [appealed from] diminishes their property, increases their burdens, or impairs their rights." *GMAC v. Dykes* (*In re Dykes*), 10 F.3d 184, 187 (3d Cir. Nov. 30, 1993) (citing *Fondiller*, 707 F.2d at 442). The "person aggrieved" test is meant to be a limitation on appellate standing in order to avoid "endless appeals brought by a myriad of parties who are indirectly affected by every bankruptcy court order." *Holmes v. Silver Wings Aviation, Inc.*, 881 F.2d 940 (10th Cir. 1989). From *In re American Ready Mix, Inc.*, 14 F.3d 1497, 1499 (10th Cir. 1994).: "As the appellant, it was Mr. Lopez's duty to establish and include in each opening brief a statement of this court's jurisdiction to consider his appeals. Fed.R.App.P. 28(a)(2)." This brief is due by October 3, 2022. A final judgment by default denying discharge was entered on August 4, 2021. See doc. no. 228.

STATEMENT OF ISSUES

1. Kristin Tavia Mihelic, original attorney for Appellee, (hereinafter "Mihelic") and Louise DeCarl Adler, now retired judge for the bankruptcy court, (hereinafter "Adler") ignored rules of procedure, the codes of conduct, the law, and the U.S. Constitution and have lied dozens of times and committed numerous crimes against me.

2. Adler was heavily biased and ruled incorrectly throughout the proceedings, which has resulted in tremendous prejudice against me, injustice, and several fraudulent orders, including a fraudulent terminating order.

3. This isn't an appeal that hinges on the subtleties of the rule of law; it's an appeal that hinges on blatant crime, corruption, and *the complete disregard* of the rule of law. Small schisms exist between positions of the opposing sides in the former, whereas colossal canyons exist between positions of the opposing sides in the latter.

FACTS AND TRAVEL

1. On December 23, 2005, I commenced a civil action in the corrupt Taunton District Court in the People's Republic of Massachusetts against an entity for violating a contract in the amount of $4,313.95.

2. On August 27, 2014, upon my MOTION FOR DEFAULT JUDGMENT dated July 31, 2014, the court rightfully awarded me a default judgment in the amount of $11,271.53 because the defendant in that matter, through her counsel, a lawyer-criminal named Joseph L. Michaud (hereinafter "Michaud") who is now a judge-criminal, had taken no *legal* action in the case. They did, however, take ample *illegal* action by violating rules of procedure, the code of conduct, and civil and criminal laws.

3. Shortly afterward, corruption began to rear its ugly head. The court illegally vacated the original default judgment on September 8, 2014, again on September 15, 2014, and once again on November 9, 2014. The first of which occurred after the court received a mere phone call from Michaud—and in flagrant violation of the rules of procedure and the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

4. The defendant in that matter filed a fraudulent answer and counterclaim *nearly nine years late* on September 30, 2014, as a result of the issuance of the default judgment.

5. After September 2014, I filed various complaints against Michaud, certain court personnel, and other entities for various misconduct and crimes including, but not limited to, perjury, fraud, conspiracy to commit fraud, misprision of felony, various violations of state criminal code, and much more. All were dismissed without investigation despite rock-solid evidence of wrongdoing.

6. After telling me not to contact the court, denying me a trial, holding clandestine hearings when the court knew I could not be present, and violating many rules of procedure and civil and criminal laws in a concerted effort to steer that case in the direction they wanted it to go, the court

awarded a $32,913.30 fraudulent judgment to the defendant in that matter on November 3, 2015. Coincidentally, this figure was quite close to the damages requested ($31,438.31) in my MOTION FOR DEFAULT JUDGMENT. Visit http://www.stloiyf.com/evidence/letter.htm for a summary of some of the misconduct in the original case.[1]

7. Unbeknownst to me, the defendant in that matter entered the fraudulent judgment as a foreign judgment in Rhode Island on February 3, 2016, and attached property in that state I've not owned since 2014.

8. I learned of the judgment in early 2020 and filed a chapter 7 bankruptcy on February 28, 2020, to prevent the imminent sale of the aforementioned property and the loss of approximately 40 percent of my income as manager of that property. If I had been living in Rhode Island, I would have simply fought the matter there, had it dismissed, and not filed bankruptcy. However, I could not afford to be repeatedly travelling across the country to resolve the matter nor pay a local attorney to resolve it for me, which I would have had to have done since virtual hearings were not allowed for *pro se* litigants—which is a clear act of discrimination against a class, i.e., the class of *pro se* litigants, thus violating the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

9. On July 30, 2020, Appellees filed a baseless complaint against me objecting to discharge despite several notifications from me and ample proof that the judgment was in fact fraudulent.

10. The corrupt bankruptcy court entered a fraudulent order striking my answer and entering a default on June 29, 2021, and a final order of judgment by default on August 4, 2021. Various other fraudulent orders and rulings have been entered in that matter.

11. As a result of their mountain of misconduct and crime during my bankruptcy and adversary proceeding, I've been forced to sue those responsible—Mihelic, Carroll, and Adler—in state

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

court. I specifically chose state court because the likelihood they have friends there should be lower than in federal court. See Superior Court of California, County of San Diego, case number 37-2021-00037057-CU-NP-CTL.

12. Because the courts continue to refuse to follow law and instead rule in favor of their criminal friends, I've been forced to file daily complaints with the Department of Injustice's (hereinafter "DOI") Office of the Inspector General and the Office of "Professional" Responsibility. I've been forced to file weekly criminal complaints with the Federal Bureau of Iniquity, to reach out to various media outlets, to file complaints with the attorney and judicial oversight boards, to write weekly letters to senators who are members of the Senate Judiciary Committee, to write guest posts on Sara Naheedy's blog, and to write not one, but two books, which illustrate the rampant crime and corruption that permeate the infected U.S. judiciary. I've been forced to stop paying income taxes until the $949,719.37 (as of today) that the government owes me is paid in full, which projections show won't occur for more than 2,100 years.

SUMMARY

Adler made conclusions of law based solely on false claims—some perjurious—by Mihelic and predetermined the outcome of the case without looking at *real* evidence. She was extremely biased and ignored everything I submitted, which includes evidence of misconduct and criminal behavior by Mihelic, and failed to take corrective action according to canonical rules. Adler failed to recuse. Mihelic failed to acknowledge the fraud that gave rise to the bankruptcy. She omitted words in some court documents and added falsities in others, which Adler then rubber-stamped. Mihelic lied well in excess of 35 times and perjured herself on many occasions in an effort to steer the adversary case in the direction she wanted it to go to help other criminals. They all intentionally ignored rules of procedure, the code of conduct, the law, and the U.S. Constitution and committed numerous federal and state crimes against me. The fraudulently created debt was not discharged as a result of blatant misconduct and corruption.

GENERAL LEGAL STANDARDS

Bias

Academia and Congress have weighed in regarding biased judges. "Rather than leave the decision regarding disqualification to the judge's own opinion, new section 455(a) required that a judge recuse himself 'in any proceeding in which his impartiality might reasonably be questioned.' Implicit in this language is the abolition of the duty to sit; the inference is expressly supported by the Senate and House Reports [H.R. Rep. No. 93-1453, 93d Cong., 2d Sess. 2 (1974)] which state that no duty to sit exists when there is a reasonable question of the judge's impartiality." See Ellen M. Martin, *Disqualification of Federal Judges for Bias Under 28 U.S.C. Section 144 and Revised Section 455*, 45 Fordham Law Review 1, 1976 at 147.

The courts have also weighed in. The U.S. Supreme Court held in *Taylor v. Hayes*, 418 U.S. 488 (1974), "marked personal feelings were present on both sides" quoting *Mayberry v. Pennsylvania*, 400 U.S. 455 (1971), and "another judge should have been substituted." The high court also held, "A fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness" (emphasis added). See *In re Murchison*, 349 U.S. 133 (1955). Moreover, the U.S. Supreme Court noted in *Rippo v. Baker*, 580 U.S. ___ (2017), that "[u]nder our precedents, the Due Process Clause may sometimes demand recusal even when a judge 'ha[s] no actual bias.' Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable."

The existence of the facts listed in 28 U.S. Code § 455(b) requires recusal even if the judge believes s/he didn't create an appearance of impropriety. Any circumstance in which a judge's impartiality might reasonably be questioned, whether or not addressed in section 455(b), requires recusal under section 455(a). See *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 860 n.8 (1988). Subsection 455(b)(1) requires a judge to disqualify himself "[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." The

standard for determining disqualification is "whether a reasonable person would be convinced the judge was biased." See *Brokaw v. Mercer County*, 235 F.3d 1000, 1025 (7th Cir. 2000) (citing *Hook v. McDade*, 89 F.3d 350, 355 (7th Cir. 1996)). "Recusal under Section 455(b)(1) 'is required only if actual bias or prejudice is proved by compelling evidence.'" *Id*. at 1025.

Ex parte contacts can result in reversals. *Ex parte* contacts contributed to the D.C. Circuit's decision to remand a case to a different trial judge. "[C]oncerned by the district judge's acceptance of *ex parte* submissions," the court thought that "the appropriate course would have been simply to refuse to accept any *ex parte* communications." *United States v. Microsoft Corporation*, 56 F.3d 1448 at 1464. There have been several *ex parte* motions and communications in my case between Adler and Appellee. See, for example, doc. nos. 20, 108, 123, 126, and 129 and/or exhibit "A." I'm sure there have been non-published others.

Fraud

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

Regarding the rampant fraud in the case at bar, https://www.justice.gov/archives/jm/criminal-resource-manual-1007-fraud states: "One court has observed, '[t]he law does not define fraud; it needs no definition; it is as old as falsehood and as versatile as human ingenuity.' *Weiss v. United States*, 122 F.2d 675, 681 (5th Cir. 1941), cert. denied, 314 U.S. 687 (1941). The Fourth Circuit, reviewing a conviction under 18 U.S.C. § 2314, also noted that 'fraud is a broad term, which includes *false representations*,

dishonesty and deceit.' See *United States v. Grainger*" (emphasis strongly added). I've proved and will further prove that the preceding three elements have dominated this case.

F. R. Civ. P. 60(b)(3) provides that "[o]n motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party" (emphasis added). This rule requires a party to "show that [he] has a meritorious claim that [he] was prevented from 'fully and fairly presenting' at trial as a result of the adverse party's fraud, misrepresentation, or misconduct." *Wickens v. Shell Oil Co*., 620 F.3d 747, 758–59 (7th Cir. 2010). In ascertaining whether a party has been prevented from fully and fairly litigating its case, the court need not find that the fraud would necessarily have altered the outcome of the trial so long as the party is prejudiced in the presentation of its case. *Lonsdorf v. Seefeldt*, 47 F.3d 893, 897 (7th Cir. 1995) ("[I]t is unnecessary for Lonsdorf to establish that the misrepresentation altered the outcome of the trial. It is sufficient that prejudice has occurred.") (emphasis added). It's not just the opposing party who is responsible for fraud and misconduct that prejudiced my case; Adler has gone along for the ride.

Perjury

From *U.S. v. Arizona*, 703 F. Supp. 2d 980, 1002 (D. Ariz. 2010):

> The provisions of Title 18.....make it a federal crime to, in any matter within the jurisdiction of the federal government:
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> |---|---|
> | 18 U.S. Code § 1001 (a): | (1) falsify, conceal, or cover up any material fact; (2) knowingly make or use a materially false, fictitious, or fraudulent statement; or (3) make or use any false writing or document. |
> | 18 U.S. Code § 1621: | commit perjury by knowingly making a false statement after taking an oath to tell the truth during a proceeding or on any document signed under penalty of perjury. |

Civil Penalty for Fraud and Perjury

A "court has inherent power 'to fashion an appropriate sanction for conduct which abuses the judicial process.' *Chambers v. NASCO, Inc., 501 U.S. 32, 44-45, (1991).*" *Salmeron v. Ent. Rec. Sys. Inc.*, 579 F.3d 787, 793 (7th Cir. 2009), and it has inherent power to sanction a party who "has willfully abused the

judicial process or otherwise conducted litigation in bad faith." *Id*. "As we recognized in *Roadway Express*, outright dismissal of a lawsuit, which we had upheld in *Link*, is a particularly severe sanction, yet is within the court's discretion" *Chambers v. Nasco, Inc.*, 501 U.S. 32, 45 (1991). From *JFB Hart Coatings, Inc. v. AM Gen. LLC*, 764 F. Supp. 2d 974, 981-82 (N.D. Ill. 2011), "Although Rule 37 requires violation of a judicial order before a court imposes sanctions, '[c]ourts can broadly interpret what constitutes an order for purposes of imposing sanctions' and a formal order is not required. This broad latitude 'stems from the presumption that all litigants.....are reasonably deemed to understand that.....committing perjury is conduct of the sort that is absolutely unacceptable.'"

INTRODUCTION

I've spent more than 11,000 hours on this case since its true inception, and I am beyond furious! Crime and corruption by actors in the associated bankruptcy and related matters is unequivocally apparent. I've been denied due process every step of the way since the true genesis of these proceedings nearly two decades ago. I am asking this court to begin changing that despicable pattern. I don't like writing papers that are continually ignored. As can be seen from my writing already, I won't be presenting this brief in the third person, nor am I going to quote much case law or statutory law. I *will* support this appeal with 100 percent rock-solid evidence—but someone must actually *look at it and rule accordingly* instead of ignoring it like the corrupt bankruptcy court and BAP have. I won't sugar-coat anything. I will be calling a spade a spade. I've been fighting the world's largest crime syndicate (hereinafter "syndicate") for over thirty years—nearly twenty years in just the instant case alone in which I've illegally been denied a jury trial *twice*.[2]

I am the nicest guy in the world—until the "justice" system tries to jam injustice down my throat, which is pretty much all the time. Then I'm not so nice anymore, as the syndicate here in California and the criminals responsible for trying to do so are finding out—the hard way. If you've managed to piss me off, you've done an excellent job because I have an extremely long fuse, but when it goes, it goes. I used

[2] Tom Scott, *Our American Injustice System: A Toxic Waste Dump Also Known as the World's Largest Crime Syndicate* (United States: Smart Play Publishing, 2022), proof that it is the world's largest, p. 1-5, www.oais.us.

to sponsor two children in foreign countries when I could afford it before my current financial crisis. It's probably a safe bet to say that nobody else involved with my bankruptcy and its progeny—members of the syndicate or otherwise—can make the same statement. I never say "no" to a friend. And I always try to help those in need. But I won't stand for corruption or injustice! I have zero tolerance for either.....maybe less.

I was involved in a traffic matter in Rhode Island whereby the syndicate essentially said, "Yes, we know you're right, but we're not going to pay you anyway." The relevant law coincidentally changed a year later making what I did now a citable offense. Not long afterward in the People's Republic of Massachusetts, the syndicate told me in the case that gave birth to this bankruptcy, "There's no fraud, no corruption," then they go ahead and appoint their friend Michaud to the bench. Shortly thereafter, one of the state felony statutes changed so that a major crime he committed was no longer considered a crime.....another coincidence. The preceding is all clearly proved at the first link provided herein. After I told Adler that I would be going after her properties, they were put on the market the very next day. Amazing, it's another pure coincidence! Moving real property out of harm's way, of which I've been falsely accused, is exactly what this hypocrite-criminal did. The irony of it all is that the condominiums are located at 666 Upas Street. See exhibits "B" and "C." As the saying on the street goes, one can't make this sh!t up.

Before the pandemic, I was speaking to audiences and informing them how truly dangerous and corrupt the syndicate has become and how people can protect themselves from it by reading a book I coauthored, which is the only known work of its kind. As such, I am now a target for all corrupt members of the syndicate—and there are many—who want to eliminate me and my work. My book is welcome relief to everyone who respects the Framers and the U.S. Constitution and who wants to be protected from the syndicate, but it's shunned by corrupt and/or criminal members of the syndicate. As fully expected, the criminals at the DOI have railed against it in other filings, but more than 95 percent of

good, ordinary Americans have rated it five stars.[3] "A patriot must always be ready to defend his country against his government."[4] This is precisely why I wrote my book—to defend the laypeople of this nation from the immensely corrupt legal system.

My experiences aren't unique. The blessing of grave injustices happens every day across the country. Proceedings in court are treated like some sort of perverse game with people's lives and property. And then the judiciary wonders why about three-quarters of Americans—the highest percentage of all time—hate it and say it's corrupt, and in one poll, this once great nation was 13th most corrupt worldwide.[5] [6] The decay has gotten worse over the past several decades, accelerating the whole time as it still is today.

Decades ago, an unconnected litigant would have to go through ten judges before getting one bad one. Now, that same person must go through ten judges to get one *good* one. I'm on at least my 19th or 20th judge since the real inception of this case, dating back to 2005 in the People's Republic of Massachusetts where this matter truly began, and long overdue for that one good one like Richard Posner or Andrew Napolitano. Sadly, the Framers are rolling in their graves. Justice has become nearly extinct in the syndicate: "In fact, it is more likely that when any right and just party prevails in court, this does not happen because of the system but *in spite* of it."[7]

If someone on the street were to commit a crime against me by stealing $100 from my wallet, I could handle that. I wouldn't like it, but I could handle it. What I absolutely *can't* handle is when members of the syndicate commit crimes against me, which happens orders of magnitude more often. The fact that the crimes aren't only denied by the perpetrators—but remain uninvestigated and go unpunished by the syndicate itself—pushes me.....well.....beyond.....furious! In fact, the level of criminality within the entire syndicate, and particularly in this case, is off the scale.

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[3] www.amazon.com/Stack-Legal-Odds-Your-Favor/dp/0996592903#customerReviews
[4] Edward Abbey, *A Voice Crying in the Wilderness (Vox Clamantis in Deserto): Notes from a Secret Journal* (United States: St. Martin's Press, 1989), p. 19.
[5] www.pewresearch.org/politics/2021/05/17/public-trust-in-government-1958-2021/
[6] news.gallup.com/poll/185759/widespread-government-corruption.aspx
[7] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 12.

Unlike perhaps every single brief submitted in U.S. history, I am not going to say that the court "erred" because it didn't. What the culprits unabashedly and willfully did was *premeditated, repulsive, and criminal,* and it's reprehensible. When improper or illegal things are done more than once or twice in a case, those offenses cannot be considered accidental. If all instances of misconduct in the underlying cases care counted, the total easily exceeds 75, and perhaps even 100—and I can prove them all.

I also find appalling the fact that there are different sets of rules and laws for different people and entities and that today's court cases are just like the WWE. The intent is to put on a good show for outside observers, but the outcomes are predetermined. "It's an eminence front; it's a put on."[8] I knew my case would end up exactly where it is now as soon as I started communicating with the criminals at the DOI and experiencing Adler's bias. I needed no crystal ball for this. Telling is the following quote: "Understand that anything is possible in the legal system, even the seemingly impossible, depending upon who is doing the prosecuting, judging, recording, sentencing, checking, or filing—it just depends on what rules or laws are interpreted, twisted, broken, or created out of thin air at the time."[9] The misconduct of and crimes committed by government personnel in the instant case is inexcusable and is punishable.

The Bankruptcy Associated with This Appeal Is Strictly the Syndicate's Fault

This brief was written by someone who *hates* to write. But I hate corruption, crime, and injustice even more—particularly within the syndicate. The bankruptcy associated with this appeal is purely the syndicate's fault. A fraudulent judgment was issued against me in another state. The syndicate turned a blind eye to law, facts, and justice while participating in fraud and crimes in the matter precipitating that judgment similarly to the way it has done in the instant case thus far. Supporting evidence regarding the judgment in the original case and related events is available at http://www.stloiyf.com/evidence/letter.htm as already provided herein. It's plainly apparent that "with governments, you don't always get a fair word

[8] Pete Townshend, The Who, *It's Hard, Eminence Front* (United Kingdom: Polydor Records Ltd., 1982).
[9] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 151.

or a fair fight."[10] And "It's sad that governments are chiefed by the double tongues."[11]

I only listed one "creditor" in my schedules—really a criminal entity associated with actors within the syndicate in the state where that entity obtained the aforementioned judgment. Because nobody within government lifted a toxic finger to remedy this travesty of justice despite the complaints I filed with many oversight boards, the DOI, and the Federal Bureau of Iniquity, I was forced to file chapter 7 in order to protect property I no longer own but which provided about 40 percent of my income. To add insult to injury, I was coerced to pay a $335 filing fee even as an indigent filer. This is just as outrageous as incarcerating an innocent person for decades, and then after exonerating and releasing him, not only failing to justly compensate him but instead unjustly billing him for the expenses incurred during the years he was incarcerated.

Glimmer of Hope That There Is Some Integrity Left in the Syndicate

My coauthor keeps telling me that the syndicate isn't going to rule in my favor. I always respond that there has to be some renegade judge yet remaining out there—at least one—who actually respects and follows the law and the U.S. Constitution. The syndicate can't be composed *entirely* of criminals. It's virtually impossible. Another author I know refers to the despicable, corrupt judges who ruin people's lives as "cockroaches." I told him that is offensive. After all, what did the insects with the same name do that is bad enough to warrant being associated with such contemptible judges? This appeal aims to prove my conjecture: judges with integrity still exist in America.

BIAS

I know that many litigants probably say, "The judge is biased." Although most are probably correct, I also know the court will say, "Everybody says that." However, such a statement is presumptuous. It's like dismissing statements from people serving time in prison who shout, "I am innocent!" Yes, many are

[10] Josey Wales (Clint Eastwood), *The Outlaw Josey Wales* (United States: The Malpaso Company/Warner Bros., 1976)
[11] Ten Bears (Will Sampson), *The Outlaw Josey Wales* (United States: The Malpaso Company/Warner Bros., 1976)

guilty, but some actually are innocent—50,000-plus to be exact.[12] To prove my claim, the biggest indicators of bias in the matter will be examined below. Other indicators—not as large but just as telling—are also presented. Not only has Adler been biased since the inception of this case, but she's been careless enough to let it shine through. She is so incredibly biased that she couldn't even put aside her prejudice to rule impartially on a motion to recuse. The following subsections illustrate her extreme bias.

Bias in Adler's Statements

During the hearing on September 24, 2020, Adler asked me, "Are you a lawyer?" Then she said to me, "You have a very elite understanding of the law." See transcript "1." However, she's ruled against me every single time I've faced opposition. So, either I'm an idiot, and she was wrong with her assessment of my intellect, or she's clearly and invariably ruled against me even though I'm right. It can't be both ways.

One biased statement was made during the hearing on December 17, 2020. When the discussion concerned affidavits and Appellee was complaining that I hadn't provided contact information for the respective parties, Adler said, "I find that hard to believe," after I stated I didn't have the requested contact information. The judge said this without knowing any details about the affidavits whatsoever: that they were sent clear across the country, that they were signed by people I don't know well, and that they were provided by a third party. Also during this conference, Adler tried to steamroll the hearing on my motion to alter judgment. She only was ready and willing to address (and allow) the motion to compel by Mihelic and was perfectly happy to skip right over my motion and would have done so if I had not immediately interrupted the calling of the next matter.

A biased statement was made during another telephonic hearing. Although I can't find it in the transcripts, I find it in my notes. Adler asked Mihelic, "What will you need to be ready for trial?" She didn't ask me the same question. Apparently, it's only important that the DOI has whatever it deems

[12] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 7.

necessary to be ready for trial and win the case—not that justice is served. This is disturbing.

During the June 24, 2021, hearing, after the lies in the court record and by Mihelic had been accepted as true—or just simply accepted—and after Mihelic stated that I filed a motion to dismiss, Adler made the biased statement, "I see you've been busy writing another motion." See transcript "4." The translation is: "I'm not going to read this one either; it's just another nuisance that we have to deal with." The judge has made many such overtly prejudiced comments. These are just a few examples.

Bias in Adler's Actions

Adler tried to block me from filing my chapter 7 petition at the outset. She wouldn't allow me to proceed *in forma pauperis* and made me pay the filing fee. See doc. no. 20. However, since the date on which I filed my petition, I requested a fee waiver nine other times, and *all nine* have been granted—two of which were for the related "financial management courses" that are required as part of the bankruptcy process. In all instances, nearly identical financial information was provided. In fact, 28 U.S. Code § 1930(f)(1) clearly states that "the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line." My income is well below that. Furthermore, I find it more than questionable—akin to the "coincidences" described earlier—that she was the only one to deny me a waiver. The odds of all these things truly being coincidental are about the same as a snowball surviving in hell for a year. I asked her bluntly during a telephonic hearing if Michaud called her. She said, "I don't even know who that is." See transcript "3." Her response is *highly* suspect, and I'm convinced that she is lying and he did in fact call her.

Bias is crystal clear in the tentative ruling of October 13, 2020, part of which reads as follows: "Although it is premised, in part, on Defendant's [alleged] transfers of real property to avoid and frustrate creditors, it is not an action requesting recovery of a fraudulent transfer." See doc. no. 37 and exhibit "D." When parties to actions don't use terms such as "alleged" when accusations are made but not yet proved in court, it not only flies in the face of conformance with due process, but it's constitutionally

offensive—and even more so when made by a so-called judge.

I filed multiple much needed complaints against Mihelic with the Office of "Professional" Responsibility, the Office of the Inspector General, and other entities. Mihelic should be reprimanded, disbarred, or, more appropriately, terminated and prosecuted criminally, but this may not happen before the instant case is correctly adjudicated in the courts and the damage is done. In fact, it may not happen at all considering the way the syndicate circles the wagons to protect its own. I informed the bankruptcy court many, many times of the plenitude and severity of Mihelic's misconduct (See exhibits "E" to "G"), which, along with Adler's misconduct, is summarized at the following link: http://www.stloiyf.com/complaint/complaint.htm. I did so verbally during phone conferences as well, one being on January 14, 2021. The judge has refused to investigate and punish Mihelic as clearly mandated by Canon 3(B)(6) of the Code of Conduct for United States Judges:

> A judge should take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, that a judicial employee's conduct contravened the Code of Conduct for Judicial Employees, or that a lawyer violated applicable rules of professional conduct (emphasis added).

"[A]ppropriate action" doesn't mean looking the other way. Rewarding such individuals for their crimes and other misconduct is also not "appropriate action." As much as judges don't want to follow rules of procedure or the law when said rules or laws negatively impact them or their friends, they are nonetheless obligated to do so. Adler's inaction is nothing less than shocking, if not criminal. *Ex parte* motions and communication and other actions have been on the cusp of ethical violations. The U.S. Constitution isn't meant for those in power to use it as a doormat, and *absolutely nothing* on this planet infuriates me more when they do!

After I repeatedly reported Mihelic's misconduct and criminal acts to Adler, she finally did something. Instead of following Canon 3(B)(6), she chastised me for bringing it all to light. See doc. no. 191 and exhibit "H." The evidence I've presented in the case thus far, including this appeal and the court record, reveals Adler's cavalier attitude towards misconduct and criminal acts—offenses that are perfectly fine if the offender is on the "right team." She simply doesn't want to hear about any wrongdoing by

government personnel, although she is quick to falsely charge me every chance she gets. This alone is more than sufficient to sanction the judge and vacate all her rulings. Perhaps best illustrating Adler's detestable attitude towards me is my favorite quote by Doctor Ron Paul: "Truth is treason in the empire of lies."[13]

A judge is supposed to uphold the law, not be its biggest violator. Adler didn't followed rules of procedure, the law, and the U.S. Constitution. She allowed Appellee's motion to quash my subpoena to produce phone records strictly comprised of "number and duration of each call"—and nothing else—which is *not* anything that could be even remotely misconstrued as "attorney work product" or information that is protected by "attorney-client privileges." The reason I specifically asked for general information in the subpoena is that I knew private information could legitimately be blocked. See doc. no. 31 and exhibits "I" and "J."

Adler had no legal authority to block me from receiving a mere listing of phone numbers and duration of calls. The fact that such records exist isn't protected, which she knows full well, and protection claimed by Appellee isn't "warranted by existing law" as required by Rule 11(b)(2) of the Federal Rules of Civil Procedure. From *U.S. v. Jackson,* Criminal Action No. 07-0035 (RWR) (D.D.C. Oct. 30, 2007): "The existence of a communication between a client and her attorney is not privileged, even if the content of that communication would otherwise be protected. *Matter of Walsh*, 623 F.2d 489, 494 (7th Cir. 1980). See also *United States v. Pipkins,* 528 F.2d 559, 562 (5th Cir. 1976) ('The attorney-client privilege prohibits the disclosure of the *substance* of communications made in confidence by a client to his attorney for the purpose of obtaining legal advice.') (emphasis added); *United States v. Kendrick*, 331 F.2d 110, 113 (4th Cir. 1964) ('It is the substance of the communications which is protected, however, not the fact that there have been communications.')" (emphasis original).

Alder also allowed Appellee's motion to illegally deny my right to a jury trial even though all supporting statutory and case law says otherwise. In fact, she denied my right to any trial whatsoever because of the fraudulent judgment by default she issued on August 4, 2021. See doc. nos. 48 and 228.

[13] Dr. Ron Paul, *The Revolution: A Manifesto* (United States: Grand Central Publishing, 2008), preface, p. 5.

Adler also granted every known oral motion from Mihelic but denied every single verbal motion and opposition from me—and there are many. All my motions that the court record states were "unopposed" were not. Adler took her time to allow me to file electronically. At first, I didn't submit written oppositions because I could not afford the added expense of printing and filing by U.S. mail, but I tried to state my positions verbally. She prevented it. But she sure allowed Mihelic to present oral motions on several occasions. See exhibit "K" for just two examples. Finally, Mihelic has asked for *at least* six or seven extensions thus far, which is beyond outrageous—and even more outrageous for the corrupt court to grant them all.

Adler didn't abide by *stare decisis* regarding appointment of counsel. See doc. no. 134. The U.S. Supreme Court opined in *Maness v. Meyers*, 419 U.S. 449 (1975), "This Court has always broadly construed [Fifth Amendment privilege against self-incrimination] protection to assure that an individual is not compelled to produce evidence which later may be used against him as an accused in a criminal action." Continuing in its opinion, it said that "counsel must be appointed for any indigent witness, whether or not he is a party, in any proceeding in which his testimony can be compelled.....Unless counsel is appointed, these indigents will be deprived, just as surely as Maness' client would have been had he not been advised by Maness, of the opportunity to decide whether to assert their constitutional privilege" (emphasis added). Bear in mind that the decision was *unanimous*.

During the phone conference of January 14, 2021, Adler upheld "her" tentative order issued on January 12, 2021, to *compel* discovery, including deposing me. See doc. no. 78. After I informed her of 28 U.S. Code § 1915(e)(1) by quoting it directly and of the unanimous *Maness* ruling, she failed to acknowledge that the law allows for appointed counsel outside of criminal proceedings and actually mandates it in the instant case. She said that I would only be represented by appointed counsel if "the U.S. trustee finds that [I] made false statements" related to these civil proceedings and I am charged criminally. Notice that she mentioned nothing regarding the statements being alleged until proved in court and thus completely disregarded due process. The fact that she deemed the word of Mihelic—someone who has proved herself to be a compulsive liar by lying well over thirty-five times and perjuring

herself on multiple occasions—to be sufficient to substantiate the veracity of such statements is nothing less than horrifying. See doc. no. 192 and http://www.stloiyf.com/complaint/complaint.htm for a summary of Mihelic's and Adler's *known* lies, misconduct, and crimes.

This aside, the intent of *Maness* is *preventative*, not *reparative*, so Adler's "reasoning" is wrong. That court stated, "Although the proceeding in which he is called is not criminal, it is established that a witness may not be required to answer a question if there is some rational basis for believing that it will incriminate him, at least without at that time being assured that neither it nor its fruits may be used against him." In the same conference on January 14, 2021, Adler asked, "Have you tried legal aid?" I replied, "Yes, but nobody will touch it. There's too much corruption." Instead of replying, "Oh my, well, we will investigate that, and, yes, I will abide by the law and Constitution and appoint you counsel," she said, "Well, I can't help you."

Adler failed to read anything I submitted to the court. During the hearing on December 17, 2020, she didn't respond to me when I firmly asked, "Are you reading anything I send you?" Instead, I was met with dead silence. Her failure to answer was undeniably a definitive answer. Further evidence backing my claim can be found in her statement during the hearing on June 24, 2021, "I see you've been busy writing another motion," as mentioned in the Bias in Adler's Statements subsection above. With only one side of the "story"—really a tall tale—from the DOI, there is absolutely no way that justice can be served.

This subsection wouldn't be complete without discussing highly unlikely mathematical odds. Perhaps the most striking evidence against everything transpiring in this case and its ancestors according to law is the fact that the syndicate has ruled against me ***fifty-three*** consecutive times whenever I've been opposed. Odds of this purely happening by chance and *without bias or external influence* are 1 in 9,007,199,254,740,992, or less than 0.0000000000000001 percent. The chance of hitting Powerball is 30,846,573 times greater since the odds of winning that particular lottery are *only* 1 in 292,201,338. From the syndicate's own website, discharges are given in "more than 99 percent of chapter 7 cases."[14] Yet somehow, and also against the preceding astronomical odds, the discharge of my fraudulently created

[14] https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/chapter-7-bankruptcy-basics

debt was denied. And outside observers are supposed to believe that there was a planetary alignment, not just in this solar system, but in every other one in the known universe.....at the same time.

CONFLICTS OF INTEREST

Regarding every telephonic hearing associated with my bankruptcy in which I've ever participated, without exception, the judge asked someone else to write the court order whenever one was to be created. In my case, it's always Mihelic whom she asked. She let the DOI be judge, jury, and executioner by having its personnel write the court's orders. See, for example, doc. no. 197 and exhibit "M." It's bad enough having an opposing party write a court order since doing so is clearly a conflict of interest, but having a *government attorney who I've proved has lied well in excess of thirty-five times and perjured herself several times in just this single bankruptcy matter* do it is about as massive a conflict of interest imaginable anywhere on Earth. In everything Mihelic has written—documents for Appellee and court orders—she's consistently omitted things that are true and added things that are false. Basically, a criminal created the court record, and another one blessed it. Then the first one pointed to the court record that she created to support even more lies, and the cycle repeats. The court "record" reflects the narrative of Mihelic and Adler, not the facts and evidence in the case. It's the way it is because facts and evidence have been ignored. If this isn't jaw-dropping to whoever reads this, then I don't know what the hell is.

Mihelic and Adler are both members of the following organizations. See Exhibits "N" through "R." It's virtually impossible that they've never met at any respective social functions and don't have some sort of interpersonal relationship. This can certainly be viewed as a conflict of interest. The list isn't intended to be exhaustive:

- Lawyers Club of San Diego
- San Diego Bankruptcy Forum
- National Conference of Bankruptcy Judges
- International Women's Insolvency and Restructuring Confederation

Not surprisingly, neither Adler nor Mihelic are members of the American Constitution Society or Christian Legal Society. It may not seem like a big deal, but, like a puzzle, all pieces connected together

reveal much more than a single piece by itself.

RULINGS AND ORDERS

Several aspects of this case have been contrived, and much, if not all, of the court record reflects wrongdoing as shown in my MOTION FOR JUDICIAL NOTICE filed with this brief. I've been sanctioned and threatened with more sanctions. See doc. no. 174 and exhibit "S." The threat of additional sanctions and chastisement came as a result of me bringing to light the crime and corruption in the case. See doc. no. 191 and exhibit "H." That fact is itself more than sufficient to vacate all of Adler's orders against me. I was also threatened with sanctions for contriving evidence, which I didn't do, but Mihelic certainly did, which I've proved herein and on web pages at the previous hyperlinks. See doc. no. 174 and exhibits "S" and "U." Adler dishonorably eschewed her responsibilities to uphold the law and punish members of the DOI for their misconduct according to Canon 3(B)(6) of the Code of Conduct for United States Judges. I won't do or abide by things that are wrong. Court orders must be written according to law and be morally right. If the syndicate decides to start actually following the law and sanction Appellee and Adler as it should so that I am paid instead, it would be the right thing to do, and I would abide by that.

Regarding depositions, orders have been disregarded and lies have been spewed. Against my wishes and Chief Judge Order number 18-A, the first deposition was scheduled for February 12, 2021. Appellee claims, "The [d]efendant failed to cooperate with the [A]UST in scheduling his deposition." See exhibit "T." This is a lie on top of a lie. I had offered several options, but they were not acceptable to Appellee. See exhibit "U." In an email on November 24, 2020, Mihelic said, "The depositions are required to be conducted during regular business hours," but this is yet another lie. See exhibit "V." In fact, rules of procedure say the exact opposite—that depositions can take place "at any time." See F. R. B. P. 7029, which is F. R. Civ. P. 29. After Mihelic lied about requirements regarding the times depositions can be taken and I asked her to "provide the rule that states depositions must be held during the times you state and i will abide by that," she didn't respond. See exhibit "V." That's because no such

rule exists. Considering the global pandemic, she was foolish to schedule it in person. It was scheduled in direct violation of Chief Judge Order number 18-A, which stated that in-person events were suspended. See exhibit "W." Mihelic lied once again on the record by saying that "[d]espite numerous requests from the [A]UST that [I] identify dates where [I] could start the deposition during normal business hours, [I] refused to do so." See doc. no. 189 and exhibits "U" and "X."

I was also fully prepared to attend the second deposition virtually as per court order of April 2, 2021, and scheduled for April 19, 2021, which Mihelic declined to conduct, despite the order, "The deposition to be held virtual in the [c]ourt [r]eporter office on 4/19/21 at 10:00 a.m.," mandating it (emphasis added). See doc. no. 141 and exhibit "Y." After several emails beginning on April 16, 2021, some of which Mihelic failed to answer, I abandoned the remote/virtual deposition on April 19, 2021, after waiting patiently at my computer until noon for instructions about how to participate. See doc. no. 154 and exhibits "Z" and "AA." My questions, "why not just have it remote like the 341 meetings?" and "why do you want me there?", were reasonable and should have been answered according to court order: "By 5/1/21 Mr. Oliver may ask any reasonable request in good faith." See doc. no. 141 and exhibit "Y." Mihelic failed to answer my questions and thus violated this order for at least the second time. She also lied multiple times in just the one relevant email thread. For instance, she said, "There are two orders compelling your attendance at the court reporter's office for your deposition" (emphasis added). See exhibit "AA." I read the second court order multiple times. It makes no mention of me—or Appellee for that matter—being physically there. See doc. no. 141 and exhibit "Y."

After sending emails to Mihelic that went unanswered and seeing that they were being read all across the nation, I had legitimate reason to believe it was a set-up and was in fear for my life to attend in person; therefore, I asked for credentials to sign in and attend remotely. She refused to provide them, which reinforced my fear. See doc. no. 154 and exhibits "Z" and "AA." I told her I didn't want to "inconvenience my friend," which was true. I didn't tell her that I also knew my safety was in jeopardy because I would have had to reveal then that I was using email tracking software and wouldn't be able to gather even more evidence of the diabolical activities being perpetrated by Mihelic and other system

members. Now, I have enough fuel in the tank not only to defend myself in the bankruptcy but also to crucify these criminals in my action against them.

Additionally, I sent the message to *one* addressee in San Diego, California. Why was it read nationwide? See exhibit "AA." Considering what I've repeatedly seen and been through with the syndicate—records being manipulated, evidence being hidden and manufactured, laws being changed because of me, innumerable crimes being committed against me by its members, and more—I've learned to trust nobody who is part of it or associated with it, not even whoever reads this brief. I strongly suspect that the gap in Mihelic's responses to my messages was so that she could coordinate with other criminals on the East coast regarding their secret plans.

Note that in contrast to the first order, the second order was written such that nobody was required to appear at the reporter's office. See exhibits "Y" and "BB." Actually, *there was no legitimate reason I should have had to attend physically either deposition*. They didn't write the second order the way they intended it to be written—but this isn't my fault. However, they will continue to pretend that they did. Moreover, I didn't know until Mihelic finally responded to my email on April 19, 2021, that she wouldn't be physically present at the reporter's office herself, which increased my fear almost to the redline. Her proven track record of lies, perjury, and general untrustworthiness put me on extra-high alert. All the foregoing were major red flags indicating that if I attended in person, I might hang myself from a doorknob or shoot myself twice in the back of the head.

Regarding other discovery, I responded to legitimate requests. Appellee complained that I "[p]rovided [] [r]esponses to the [r]equests for [p]roduction of [d]ocuments almost two weeks late and asserted unsubstantiated and meritless objections." See exhibit "X." While her requests may have been dated October 26, 2020, I didn't receive them until many days later, and I responded timely. My objections were not "unsubstantiated and meritless." Some of my objections were based on a one-year look-back limit as defined by the law under which she brought her complaint. See 11 U.S. Code § 727. She neglects to mention that some of her responses to my requests were delivered to me *more than four months late*. For instance, I asked for electronic copies of 341 meeting minutes on November 7, 2020. I

received them on April 16, 2021, after the court order entered on April 2, 2021, mandating that I receive them. See exhibits "Y" and "DD" and doc. no. 141. In my response to her requests, I replied several times "No such 'Complaint' or 'Answer' exists" because she stated in her definitions that "'Complaint' refers to the Complaint Objecting to the Debtor's Discharge Pursuant to 11 U.S.C. § 727(c);" however, she brought the complaint under § 727(a)(4)(A) and (a)(2)(A)—not 727(c)—as can plainly be seen from its title. Therefore, her definition of "complaint" and "answer" were invalid. See doc. no. 1 and exhibits "EE" and "FF." For many items, she specified no date or included the wording "at any time." See exhibit "EE." To these, I correctly responded with "too overbroad and vague." Even for an honest attorney such work would be sloppy. If she had asked why I gave the responses that I did, I would have informed her. She did not.

Regarding payment of sanctions, if anyone hasn't noticed, I've filed for bankruptcy. Although I was sanctioned $2,199 and $3,582.55, I wouldn't oblige even if I had the money. I am not going to *pay* someone to commit crimes against me no matter what other criminal comes down from Mount Olympus and says that I must. It's simply not going to happen in this universe. That ended nearly two decades ago. Contrarily, the syndicate already bleeds the taxpayer so that it can commit crimes against everyday litigants, and it wants me to pay more on top of that. Are you kidding me?! But if *I* had done something verily sanctionable and had the funds, I would pay. Since neither is true, the DOI won't be getting a penny from me, other than what it already steals—along with the rest of the syndicate—through taxes. All sanctions and threats of sanctions have been based on a fraudulent court record and the complete disregard of facts, evidence, law, and justice. Appellee has argued and will likely continue to argue stupidly that I was ordered to pay sanctions but haven't. She's stated, "Defendant Repeatedly Violates This Court's Orders." This is like making the nonsensical statement: "Swimmer Drowns Because He Can't Swim with Anchor Tied around His Neck." One isn't helped out of bankruptcy by further adding to his burden. My income is now *negative* $497 per month, thanks to criminals in the syndicate nationwide. To sanction me for following the rules and laws as I have and *not* sanction Criminals for not following them borders on pure evil. Satan has a special spot reserved in hell for Mihelic and others.

ADDITIONAL LIES, CRIMES, GENERAL MISCONDUCT, AND MORE

At least three of Adler's actions have been criminal, and a plenitude have been unjudicial and are also discussed at http://www.stloiyf.com/complaint/complaint.htm#adler_misconduct. Adler disregarded law, rules of procedure, and the Code of Conduct for U.S. Judges; wiped her feet on the U.S. Constitution; and permitted Mihelic and other members of the DOI to lie and commit perjury and other crimes unrestrained. "We've got to judge the judge."[15]

Adler lied to me during one of the telephonic conferences when she said, "This isn't a criminal trial. You don't get a lawyer appointed to you," or something very similar. However, 28 U.S. Code § 1915(e)(1) and *Maness v. Meyers* say otherwise as previously proved.

Adler also lied to me in the March 18, 2021, telephonic conference when she said, "This is the first I am hearing about any wrongdoing by Ms. Mihelic." Her statement is false. I informed her of wrongdoing during the hearing of January 14, 2021; in my petition for writ of mandamus filed on January 20, 2021; in my OBJECTION TO "PLAINTIFF UNITED STATES TRUSTEE'S SECOND MOTION TO EXTEND DISCOVERY DEADLINES AS TO THE UNITED STATES TRUSTEE" dated March 3, 2021; in my REPLY TO "UNITED STATES TRUSTEE'S RESPONSE TO MOTION TO COMPEL DISCLOSURE AND FOR SANCTIONS, AND REQUEST FOR REIMBURSEMENT OF EXPENSES" dated March 4, 2021; and in many other related documents. See exhibits "E" to "G." On the outside chance that she misunderstood me or didn't hear me at the January 14, 2021, conference, then it 100 percent proves she read nothing I submitted.

Adler lied again in "her" tentative ruling on March 29, 2021. She said that "evidence he attaches in support (an email chain) has been altered to make it appear that he offered deposition times beginning at 10:00 AM." See doc. no. 174 and exhibit "S." Once again, this is entirely untrue. I have the email sitting in my sent mail folder that proves it. I did in fact offer times at 10am. See exhibit "U." As I've done herein, I copied and pasted evidence from two emails onto one page with regard to the "[A]UST's status report [ECF 74]" to which Adler is referring—and which Mihelic previously submitted. The DOI

[15] Pete Townshend, *White City: A Novel, Face the Face* (United States: ATCO Records, 1985).

falsely accused me yet again. So, what we have here now is one criminal lying and the other swearing by it. Adler has lied many other times, but only a few more examples are given in the supplemental appendix so as to keep this brief as short as possible.

Adler has committed at least three *known* crimes: Misprision of Felony, Concealing and Covering up Records in Bankruptcy, and Bankruptcy Investigations. Just as Mihelic was made fully aware of felonious acts committed by others prior to the bankruptcy, so was Adler. I submitted an open letter to the court on November 16, 2020, informing her of such acts. See exhibit "CC." As stated previously, I informed her many times verbally and in court papers of Mihelic's mountain of lies and two *known* counts of perjury, upon which she failed to act (correctively). Since she also concealed the felonies committed by others—who now include Mihelic—she violated criminal law 18 U.S. Code § 4 too just as Michelic has and is an accessory after the fact. The other two known crimes relate not only to the preceding but to all the records that reveal the true fraud and corruption in the underlying matter that gave rise to all this. See exhibit "GG." Adler, as has Mihelic, has concealed—or, at the very least, tried to conceal—fraud and corruption by ignoring this evidence and has falsified and/or made false entries in records and documents. See doc. nos. 174 and 191 and exhibits "H," "S," and "U" for just *two* examples. Thus, she's also broken criminal laws 18 U.S. Code § 1519 and § 3057.

Just a single crime is needed to establish that someone is a criminal even though I've proved three. Where there is smoke, there is fire. Despite the syndicate choosing not to police itself by prosecuting its members doesn't mean such members aren't criminals; it means they are well-connected and on the "right team." If they've broken constitutionally sound criminal laws, they are criminals. I have the evidence, and it's rock-solid.

Mihelic repeatedly committed perjury. Once was during discovery when I asked her to provide specific records of communication to and from attorneys and others in certain states. One person in particular was Attorney Douglas H. Smith. In addition to objecting, she clearly stated "no such documents exist" in her response to request number 11, which contradicts the evidence she inadvertently provided and that was buried in more than 500 pages of photocopied email transmissions. Her statement

also contradicts evidence provided by Attorney Nelson Brinckerhoff, an attorney in another related matter who stated, "I talked with the Rhode Island lawyer enforcing the Massachusetts judgment [Attorney Douglas H. Smith] and he informed me that Mr. Oliver had allegedly threatened the US trustee in bankruptcy in California and that he faces potential fraud and other criminal charges pursuant to his bankruptcy filing." See exhibits "HH" to "LL."

Brinckerhoff's statement is further evidence that Attorney Douglas H. Smith communicated with Mihelic since Smith is the Rhode Island attorney who is trying to collect on a fraudulent foreign judgment issued by the People's Republic of Massachusetts courts. There is absolutely no way that Brinckerhoff would have gotten this misinformation without Smith communicating with Mihelic. Since she denied the very existence of her communication with Smith, she would no doubt also deny that she communicated with Michaud and withhold that fact as she did in request number 10. Furthermore, whoever wrote the court order of March 29, 2021, and worded it the way it's worded—most likely Mihelic—in an attempt to cover up more of Mihelic's crimes proves her guilt beyond any doubt. See exhibit "L" and doc. no. 134.

Another *known* time Mihelic perjured herself—and, in this instance, violated 18 U.S. Code § 1621—was in her DECLARATION OF KRISTIN T. MIHELIC IN SUPPORT OF PLAINTIFF UNITED STATES TRUSTEE'S MOTION FOR SANCTIONS PURSUANT TO FED. R. BANKR. P. 7037(b)(2) AND 7037(d)(1) OR IN THE ALTERNATIVE, FOR A FINDING OF CONTEMPT OF COURT PURSUANT TO FED. R. BANKR. P. 7037(b)(1) as I proved throughout my objection to the motion containing it. See doc. nos. 179 and 186 and exhibit "MM." Irrefutable evidence can also be found at http://www.stloiyf.com/mihelic/complaint.htm.

A relevant case regarding Mihelic's lying and perjury is *Ha v. Baumgart Cafe of Livingston*, Civil Action No. 15-5530 (ES) (MAH), 8 (D.N.J. Apr. 26, 2018). That court considered remedial actions when a lawyer's behavior was "of an egregious nature, stamped by bad faith that is violative of recognized standards in the conduct of litigation." Mihelic's misconduct has clearly attained that level in these proceedings. Indeed, she may have set a new standard. Of crucial note in *Ha* was part of the opinion: "Further, the misrepresentations were not made extemporaneously during a vigorously contested, fast-

moving oral argument. She made them in a letter that *she drafted, had time to reflect on and review for accuracy, and submitted anyway*" (emphasis strongly added). All Mihelic's lies, including perjury, that I've recorded thus far were made in written pleadings or correspondence, not verbally, so she obviously had malevolent intent to mislead.

F. R. Civ. P. 37(a)(4) provides that "an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." Appellee has been evasive throughout these proceedings. She didn't want to comply with my subpoena for communication records. She's refused to investigate fraud in the underlying case in the People's Republic of Massachusetts. I told her about it in several 341 meetings, in the open letter to the court on November 16, 2020, and in an email on May 13, 2020. See exhibits "CC," "GG," and "NN." Rather than fight the fraud, she fought against me in order to perpetrate *more* fraud. Appellee has provided incomplete information and misinformation during discovery—and committed perjury numerous times while doing so. She's responded to my requests late, and in one instance, several months late. She's wrongly argued—and will likely continue to argue—that I've acted improperly or illegally when in fact it's she who has done so. "There's a tradition in politics [or the legal system], especially in recent history, that if you're guilty of something, the best way to treat it is: don't explain it, don't deny it or anything else, just accuse the opposition of doing it."[16] Again, I'm asking this court just to *look* at the evidence.....and *rule* based upon it.

If I was the offender who did one-tenth of the things described above, I would have been put in "the chair" long ago. I've run circles around Appellee and the entire DOI. Everyone knows damn well that I'm right; however, nobody except me is willing to admit it. An analogy is helpful. Take the rings competition in Olympic gymnastics, for example. One athlete grabs the rings and does an Iron Cross. The judges go out to lunch, come back, and he is still holding it sixty minutes later. He dismounts with a quintuple flip never done before in the history of competition. The judges give him a zero. The second "athlete" tries to grab the rings and can't even hold onto them. He tries repeatedly but keeps falling. He even cheats in clear view of the judges, but to no avail. He simply cannot hold the rings. The judges give

[16] Dr. Ron Paul, *Ron Paul Liberty Report*, January 13, 2021.

him a ten. They ignore what they see and do whatever the hell they want. This same thing has happened to me for well over fifteen years and continues today, and I'm sick and tired of it!

Perhaps the most astounding thing in all of jurisprudence is having a judge determine her own bias. This is the very definition of insanity. Bias would be best determined by an entity completely independent of the syndicate, but I am speaking idealistically. Short of such an ideal, bias would be better determined by another judge, perhaps the chief judge, and certainly this court—an entity that is as physically and factually removed from the epicenter as possible. This has happened in the past. See, for example, *United States v. Grinnell Corp*., 384 U.S. 563, 582 n.13 (1966). In fact, I would venture to say that the overwhelming majority of judges have failed to recuse when requested to do so by a litigant even for the most egregious acts. In terms of percentages, the number is probably close to zero. Judges could misinterpret stepping down from a case via the result of a litigant's motion as admitting to having bias and otherwise—without said motion—intending to have seen the case to its conclusion, which I suspect has happened in the instant case. Such misinterpretation wouldn't exist in instances when a judge steps down *sua sponte* as she should when conditions fully warrant as they do here.

This court should be made aware that when I make a claim in any court, I can prove 100 percent of everything that I put forth—not 75 percent, not 90 percent, not 99 percent—but 100 percent. No other party associated with this matter will be able to prove 100 percent of their claims—not even close.

Finally, Adler decided the adversarial matter despite any potential evidence to the contrary of what Appellee concocted. I am in the fight of my life against an entity with a nearly infinite supply of money and power—the world's largest crime syndicate whose employees in the instant matter make from $157,000 to $199,088 per year, or, at the upper end of that range, *more than fourteen times* what I earn, and are likely supporting another criminal network on the East Coast as all evidence now strongly indicates. Keep in mind that I didn't *ask* for any of this—I am the defendant in this bogus matter, which began all because a furtive phone call was made clear across the country.

EVEN IF APPELLEE'S ALLEGATIONS WERE TRUE, THEY ARE COMPLETELY IRRELEVANT

Appellee's allegations are false, which I've already proved. Regardless, I could have blown up the entire universe, but because of the egregiousness of Mihelic's misconduct and that of others, it.....would.....not.....matter. Courts have ruled that litigants who don't abide by the rules and law cannot proceed with their claims *regardless* of any validity to them. In direct violation of the rules and law, Appellee has committed fraud, which I've also already proved. From *In Re Tri-Cran, Inc.*, 98 B.R. 609 (Bankr. D. MA 1989), "In short, fraud on the court is fraud committed by the court, by an officer of the court, or by one who colludes with the court or an officer of the court; its result is a judgment obtained through the corruption of judicial officers, which corruption prevents the judicial machinery from performing its usual functions in an impartial manner." Also from this case, "Where a judgment is obtained by fraud perpetrated by an attorney acting as an officer of the court, the judgment may be attacked for fraud on the court. 'Since attorneys are officers of the court, their conduct, if dishonest, would constitute fraud on the court.' *H.K. Porter Co. v. Goodyear Tire & Rubber Co.*" (emphasis added). It's quite clear that Mihelic exemplifies dishonest, despicable, and criminal conduct, which meets (or exceeds) the requirements of the above authorities.

In *Dotson v. Bravo*, 202 F.R.D. 559, 572 (N.D. Ill. 2001), aff'd, 321 F.3d 663 (7th Cir. 2003), a plaintiff was convicted of criminal offenses relating to his alleged discharge of a firearm at a police officer. *Id*. at 665-66. The defendant officer, Bravo, had testified against Plaintiff at his criminal trial that Plaintiff was the person who had shot at him. However, audio recordings later surfaced which appeared to directly contradict the veracity of the defendant officer's account. Plaintiff was immediately released from prison as a result. A lawsuit followed. Plaintiff's problems began, however, when it was revealed that he had misrepresented his identity in concert with the underlying criminal court proceedings. *Id*.

Despite the fact that these misrepresentations had nothing whatsoever to do with the veracity of the plaintiff's underlying version of the events forming the basis for his case (and despite the existence of evidence supporting the viability of his underlying claims against the defendant officer), the district court

dismissed Plaintiff's suit as a sanction for dishonesty. *Id*. at 572. In affirming the dismissal of his claim as a result of the exposure of his prior dishonesty, the Seventh Circuit stated:

> Given the evidence that supported his acquittal from all criminal charges, we note that [Plaintiff's] civil rights case may well have had some merit. But, we cannot allow a plaintiff to so abuse the court system in order to avoid criminal justice, yet obtain civil reward. If [Plaintiff] sought to expose the "truth" of what occurred on January 1, 1998, *he should not have begun the lie that now leads to the dismissal of his case*. *Id*. at 669 (emphasis strongly added).

Unquestionably, Appellee has no interest in exposing the truth. Nearly everything she's submitted via Mihelic (and now other attorneys) has been one incessant stream of lies. In explaining, the court also stated that:

> [M]isconduct may exhibit such flagrant contempt for the court and its processes that to allow the offending party to continue to invoke the judicial mechanism for its own benefit would raise concerns about the integrity and credibility of the civil justice system that transcend the interests of the parties immediately before the court.

Echoing these sentiments, countless courts—except the corrupt bankruptcy court and BAP—have addressed misconduct by penalizing the offender because it's necessary to protect the integrity of the judicial process. Just a few examples follow because there are too many to list. *Allen v. Chicago Transit Authority*, 317 F.3d at 703 ("Perjury committed in the course of legal proceedings is a fraud on the court, and it is arguable that a litigant who defrauds the court should not be permitted to continue to press his case."); *Fuery v. City of Chicago*, No. 07 C 5428, 2016 WL 5719442, at *2 (vacating jury verdict in favor of Plaintiff based upon Plaintiff's trial misconduct and misrepresentation); *Thomas v. Gen. Motors Acceptance Corp.*, 288 F.3d at 308 (court didn't abuse discretion in dismissing suit where plaintiff knowingly filed false document); *Brady v. United States*, 877 F. Supp. 444, 453 (C.D. Ill. 1994) ("Litigants would infer they have everything to gain, and nothing to lose, if manufactured evidence is merely excluded while their lawsuit continues. Litigants must know that the courts are not open to persons who would seek justice by fraudulent means.") (emphasis added).

But there are *two* facets of fraud to reconcile: one from government actors in this case and one from government and other actors in the case that spawned the original fraudulent judgment necessitating this bankruptcy. With regard to the latter, the U.S. Supreme Court opined in *Heiser v. Woodruff*, 327

U.S. 726 (1946), "It is true that a bankruptcy court is also a court of equity.....and may exercise equity powers in bankruptcy proceedings to set aside fraudulent claims, including a fraudulent judgment where the issue of fraud has not been previously adjudicated" (emphasis added). In this same case, the Court of Appeals for the Tenth Circuit "held that the court of bankruptcy could go behind the prior adjudications of the validity of the judgment and decide for itself the questions previously litigated and decided, whether the cause of action on which the judgment was entered was meritorious, and whether the claim in bankruptcy should be r[e]jected because [it was] based on a judgment procured by claimant's fraud." Moreover, the trustee actually *helped* the defendant there and rightly so! "The issue whether there was perjured testimony of value, [was] raised in the proceeding later brought in the district court for Southern California by the trustee in behalf of the bankrupt to set aside the judgment" (emphasis added). From *Pepper v. Litton*, 308 U.S. 295 (1939): "Courts of bankruptcy, in passing upon the validity and priority of claims, exercise equity powers, and have not only the power, *but the duty*, to disallow or subordinate claims if equity and fairness so require" (emphasis strongly added).

In light of the above authorities and the true facts of the matter at bar, Adler ruled completely backwards. *Appellee's* complaint should have been dismissed with prejudice instead of my answer being stricken and my discharge being denied. Adler's actions have been abominable and are the very antithesis of justice. Finally, Appellee should be heavily sanctioned for her role in the extreme misconduct directed at me. And penalties for members of the system should be *more* severe than for the average person, not *less* severe (or non-existent), because they know the rules and law and enforce them on unsuspecting citizens every day. I've spent well over 1000 hours on this case thus far. Even at a mere $50 per hour, expenses would amount to more than $50,000. Sanctions against Appellee should be punitive and therefore should be double or perhaps even triple that figure—a minimum of $100,000 or $150,000—and should come out of the pockets of the culpable people, *not* the taxpayers'.

FINAL POINTS

There is a gaping hole in the BAP's "memorandum." They ignored 38+ lies and 12+ known federal crimes. Other than a cursory denial, there's not a word about any of this in their "memorandum."

According to every other court nationwide, misconduct and nefarious activity should be front and center in any action. On page 2, they try to make their memorandum look legitimate by pretending that I'm contriving everything. They say I think there is a "vast conspiracy" as if I'm delusional.....except all the evidence proves otherwise. It might not be a "conspiracy" by definition, but it was certainly a widespread concerted effort by certain elements to protect and/or help their friends and steer the case in the direction they wanted it to go at all costs.

The BAP points to rules 7054-2, 9013-10, and 9021-1(b)(1)(A), which allegedly allow prevailing parties to write orders, and says, "In short, the fact that the [A]UST drafted proposed orders and lodged them with the court is not evidence of either wrongdoing or court bias." Firstly, 9021-1(b)(1)(A) is for the central district, not the southern district. Secondly, 9013-10 concerns *non-contested* motions. I contested everything Mihelic submitted—either verbally or in writing. Thirdly, 7054-2 points to 7054-3, which says in (b), "The Notice of Lodgment must inform the opposing party that any objection to the form or content of the Lodged Order, and an alternative Proposed Order, must be filed and served within 7 days....." The order entered on January 19, 2021, (doc. no. 80) only gave 5 days, not 7. Some provided no such notice whatsoever, the one in doc. no. 31, for example. Regardless, for the few I found with the required notice, Criminals would have ignored any objections anyway, as they did with all objections I submitted. Finally, no known rule allows for parties to write *tentative rulings* or *minute* orders, even though it's clear Mihelic essentially wrote them since they're peppered with her trademark lies. Regardless of all this, even if the rules do allow for a litigant to write any orders, nothing can be found that permits lies to be part of such orders or for important wording to be omitted. While "the fact that the [A]UST drafted proposed orders and lodged them with the court is not evidence of either wrongdoing or court bias," the fact that the rulings and orders are bursting at their seams with lies most definitely is. I gave the BAP the benefit of the doubt and didn't call them criminals on my website and in my book until they proved that they were by violating 18 U.S. Code §§ 2, 3, and 4.

The syndicate is usually extremely particular about the wording of documents, even down to the punctuation level. Cases have been decided by something as seemingly innocuous as a missing or

misplaced comma. In fact, *O'Connor v. Oakhurst Dairy*, 851 F.3d 69 (1st Cir. 2017), 16-1901 was one such matter. The appellate judge said, "For want of a comma, we have this case." The appellate court reversed the district's decision, and the case was settled for $5,000,000. If something as small as a missing comma can have such an enormous impact on a case's outcome, missing words will have an even greater impact. As an example of how a court document or order can be massively impacted when words are omitted, observe the drastic difference between the meanings of two sentences when a *mere three words* are removed from the first. The original sentence is:

The United States legal system is trying to eradicate the world's largest crime syndicate.

With the words removed, the meaning changes significantly—and becomes far more accurate:

The United States legal system is the world's largest crime syndicate.

O'Connor was settled for millions of dollars—all for something as miniscule as a missing comma—not *entire missing words* in adversarial documents and court orders, such as the nine missing in the court order entered on March 29, 2021: "and of any other communication from or to him." See doc. no. 134 and exhibit "L." The writer of that order—almost certainly Mihelic—attempted to conceal one of Mihelic's crimes. Mihelic had the gall to call my mentioning of this a "red herring" in one of her filings. It's not; it's a smoking gun. That order says, "There is no evidence that the [A]UST has had phone call conversations with those parties." There's plenty of evidence; it's just that Adler and Mihelic tried to hide *some* of it by illegally quashing the subpoena and lying in responses to requests for production of documents. Other than a cursory denial, Mihelic and Adler cannot truly deny their misconduct and crimes because I have too much proof, which is why I sued them and the acting United States trustee in state court.

Adler blessed this cover-up of perjury by completely neglecting certain things I requested during discovery in an attempt to absolve Mihelic from one of her crimes. See doc. no. 134 and exhibit "L." In Adler's mind, the DOI can do no wrong, or at least she refuses to recognize the wrongdoing. This is just

one instance of iniquitous activity. The instant case is rife with such deception through wording omissions and manipulations. Wording should matter to every court. Forgetting everything else in this whole brief, this single piece of evidence alone should've been enough to remove the judge from my case and reverse her decisions; however, she's since "retired."

Nobody in the DOI lifted a toxic finger to investigate the original fraudulent judgment. In the view of everyone opposed to me, it's not fraudulent simply because they don't want to admit that it is—just like they're silence about fraud in the bankruptcy record is supposed to mean that nothing is fraudulent there either. Such a perspective has nothing to do with reality since mountains of evidence exist proving otherwise. The misconduct and blatant criminal acts at the hands of syndicate members in just *one* legal matter have given birth to six different legal battles for me, with a seventh and eighth looming on the horizon. This is the system generating "work" for itself.[17]

Government personnel associated with this case should be on their way ***to prison.*** Sadly, the syndicate continues to circle the wagons. Judges and members of the syndicate must stop treating rules and laws as mere recommendations, particularly when applied to themselves or their friends. If they did, this appeal would have never been filed because the bankruptcy would have never been filed because the fraudulent judgment of November 3, 2015, would have never been issued in the first place! "And law should have a moral fiber too, and our leaders should.....the law has to have a moral basis to it."[18] If something remedial isn't done here and now, I assure everyone there will be a public firestorm unlike anything seen in the history of the world.

It's crystal clear that Adler had already decided the adversarial matter despite any potential evidence to the contrary of what Mihelic concocted. It's also crystal clear, based on Mihelic's misconduct, that no matter what I did, she was going to do everything she could to block the discharge of the fraudulently created debt. When she refused to acknowledge the underlying fraud despite me offering multiple times *mountains of evidence* in support of it, this becomes abundantly apparent. She had every

[17] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 21.
[18] Dr. Ron Paul, stated during one of the 2012 presidential race debates.

intention of interfering with justice after she or someone else at the DOI got the call from Michaud within weeks of my chapter 7 petition filing. Nobody can rightfully deny the evidence I've put forth in this motion and elsewhere. I am in the fight of my life against an entity with a nearly infinite supply of money and power—the world's largest crime syndicate—and that is likely supporting another criminal network on the East Coast as all evidence now strongly indicates.

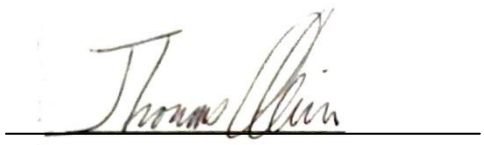
Keep in mind that Appellee is going to rely heavily on the bogus court record in her opposing brief and ignore the misconduct and crimes of Mihelic, Adler, and others because my evidence is irrefutable. She also wants this court to similarly ignore said misconduct and crimes. Understand, however, Mihelic and her friends at the DOI have essentially created the court record—a record that is based on lies, misconduct, and outright crime, not a record that is based on facts, evidence, and truth. Indeed, facts, evidence, and truth have been *completely disregarded* in this case. Appellee has yet to write a *single* pleading, motion, or other document that isn't riddled with lies.....and the judiciary allows it to continue unabated. Accordingly, Appellee will build her "response" upon case law that is completely irrelevant, will argue nonsense, and will pretend that the court record is real. Mark my words.

CONCLUSION

As a result of the breathtaking injustice in this and related cases and in order for *any* semblance of justice to be served, I am seeking:

1. reversal/vacation of the order entered by the corrupt bankruptcy court on June 29, 2021, and the judgment by default entered on August 4, 2021
2. discharge of the fraudulently created debt
3. dismissal of Appellee's complaint with prejudice
4. sanctions of at least $12,300 to be imposed against Appellee
5. all sanctions against me be vacated.

September 26, 2022



Thomas Oliver
401-835-303
tomscotto@gmail.com

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

APPENDIX

STATEMENT OF THE EVIDENCE

The following statements are extremely close to what was actually said, if not exact quotes. They are provided in the event that transcripts cannot be obtained at no additional financial burden to me.

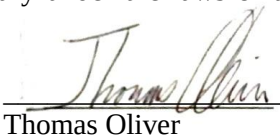
- **Hearing on September 24, 2020**
  Judge Adler asked me, "Are you a lawyer?" and then said, "You have a very elite understanding....."
- **Hearing on December 17, 2020**
  I asked Judge Adler, "Are you reading anything I send you?" There was no reply to this question.

  After I said that I did not have the requested contact information for the parties who provided affidavits, Judge Adler responded, "I find that hard to believe."
- **Hearing on January 14, 2021**
  I stated, "Let me preface my response with this: nearly everything the Department of Injustice is submitting is lies. I've filed several complaints against them for their violations of rules and law and criminal acts, and that's what they don't like. They've repeatedly lied to me. It's been an incessant stream of lies—more than fifteen that I can prove as of today. For example, they lied regarding the time a deposition must be taken. Rule 29 (a) says 'a deposition may be taken before any person, at any time.' On December 18th, I sent an email 'provide the rule that states depositions must be held during the times you state and I will abide by that.' I got no response. Everything is laid out in my complaints."

  Judge Adler asked me, "Have you tried legal aid?"
  I replied, "Yes, but nobody will touch it. There's too much corruption."
  Judge Adler said, "Well, I can't help you."
- **Hearing on March 18, 2021**
  I stated, "It's been lie after lie after lie from the Department of Injustice, and they've committed several crimes: perjury, fraud, misprision of felony.....possibly conspiracy. And according to the federal rules of judicial oversight, when that's reported, it's supposed to be investigated. You haven't done that. The only reason the Department of Injustice didn't oppose this particular motion is that they probably thought they'd look awfully foolish pushing to keep a judge that they favored. So you know, I will appeal if I'm forced to. I'm just asking for justice in the case. It's been twenty years. I'd like to see justice just once!"
  Judge Adler lied, "This is the first I am hearing about any wrongdoing."
- **Hearing on April 1, 2021**
  I stated, "The writing style in your rulings, by the way, looks remarkably similar to Mihelic's."
  Judge Adler laughed and commented snidely, "Maybe she learned from somebody who's been doing this for many more years than she has."
- **Hearing on June 24, 2021**
  After the lies in the court record and by Mihelic had been accepted as true and after Mihelic stated that I filed a motion to dismiss, Judge Adler said, "I see you've been busy writing another motion." The translation is: "I'm not going to read this one either; it's just another nuisance that we have to deal with."
- **Hearing on Unknown Date, but Believed to Be April 1, 2021**
  Judge Adler *only* asked Mihelic: "What will you need to be ready for trial?"

The undersigned hereby certifies under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

December 21, 2021



Thomas Oliver

09/21/2020	20 (18 pgs; 4 docs)	Ex Parte Motion to Shorten Time filed by Kristin Mihelic on behalf of United States Trustee. (Attachments: # 1 Exhibit Motion For A Protective Order # 2 Rule 26 Certification # 3 Exhibit Subpoena for Documents) (Mihelic, Kristin) (Entered: 09/21/2020)

02/17/2021	108 (13 pgs; 2 docs)	Ex Parte Motion to Shorten Time filed by Kristin Mihelic on behalf of United States Trustee. (Attachments: # 1 Exhibit Second Motion to Extend Discovery Deadlines as to the United States Trustee) (Mihelic, Kristin) (Entered: 02/17/2021)

03/09/2021	120 (24 pgs)	Response to "Plaintiff United States Trustee's Opposition to Defendant's Motion to Appoint Counsel" (Oliver, Thomas) Modified on 3/9/2021 (Rodriguez-Olivas, J.). (Entered: 03/09/2021)
03/09/2021	121 (1 pg)	**Tentative Ruling.** Department 2: Hearing Date and Time: 03/11/2021 @ 02:00 PM (related document 1)(Admin.) (Entered: 03/09/2021)
03/09/2021	122 (6 pgs)	Reply *to Objection to Second Motion to Extend Discovery Deadlines as to the United States Trustee Only* filed by Kristin Mihelic of DOJ-Ust on behalf of United States Trustee. (related documents 111 Motion to Extend Time) (Mihelic, Kristin) (Entered: 03/09/2021)
03/09/2021	123 (3 pgs)	Ex Parte Motion to Extend Time with Proof of Service filed by Kristin Mihelic on behalf of United States Trustee (related documents 122 Reply) (Mihelic, Kristin) (Entered: 03/09/2021)
03/10/2021	124 (3 pgs)	Proof of Service filed by Kristin Mihelic on behalf of United States Trustee. (related documents 123 Motion to Extend Time) (Mihelic, Kristin) (Entered: 03/10/2021)
03/10/2021	125 (2 pgs)	Proof of Service filed by Kristin Mihelic on behalf of United States Trustee. (related documents 122 Reply) (Mihelic, Kristin) (Entered: 03/10/2021)
03/10/2021	126 (3 pgs; 2 docs)	Order Regarding Ex Parte Motion to Extend Time to File Reply with Service by BNC (Related Doc # 123) signed on 3/10/2021. (Rodriguez-Olivas, J.) (Entered: 03/11/2021)
03/11/2021	127 (1 pg)	**Minute Order**. Hearing DATE: 03/11/2021, MATTER: PRE-TRIAL STATUS CONFERENCE (Fr 1/21/21) AND U.S. TRUSTEE'S MOTION TO EXTEND DISCOVERY DEADLINES FILED BY KRISTIN MIHELIC ON BEHALF OF UNITED STATES TRUSTEE. **DISPOSITION: See Attached PDF document for details.** (vCal Hearing ID (772326)). **HEARING Scheduled for 04/01/2021 at 02:00 PM at Courtroom 2, Room 118, Weinberger Courthouse.** . (related documents 1, 108)(TessBobis) Modified on 3/11/2021 (Bobis, T.). (Entered: 03/11/2021)
03/11/2021	128 (4 pgs)	BNC Court Certificate of Notice. (related documents 126 Order re: Motion to Extend Time) Notice Date 03/13/2021. (Admin.) (Entered: 03/13/2021)
03/17/2021	129 (2 pgs)	Objection to The Order Granting the Ex Parte Motion to Extend Time to File Reply to the Objection to Second Motion to Extend Discovery Deadlines as to the United States Trustee Only (Oliver, Thomas) Modified on 3/17/2021 (Rodriguez-Olivas, J.). (Entered: 03/17/2021)

property records inquiry

Tom Thu, Aug 5, 4:33 PM

Hello - I'm trying to verify ownership of properties: 1) unit 1501 APN 452-430-27-51 at 666 Upas St. ---------- 2) unit 1502 APN 452-430-27-52 at 666

FGG, ARCC-ADDR <ADDR.ARCC@sdcounty.ca.gov> Mon, Aug 9, 10:34 AM

to me

Good morning,
For items 1) & 2), our records show Adler Louise D C Separate Property Trust as the owner for both parcels 452-430-27-51, located at 666 Upas St #1501, and 452-430-27-52 located at 666 Upas St #1502.
For item 3), document number 2013-0210151 recorded 4/3/13, references parcels 452-430-27-51, located at 666 Upas St #1501, San Diego CA 92103 and 452-430-27-52 located at 666 Upas St #1502, San Diego CA 92103.
There are no other properties in San Diego County currently owned by Louise DeCarl Adler or her trust other than what is stated above.

Thank you,

Roxanne Confer
Supervising Assessment Clerk
Assessment Services
(619) 531-6107
Fax (619) 685-2338

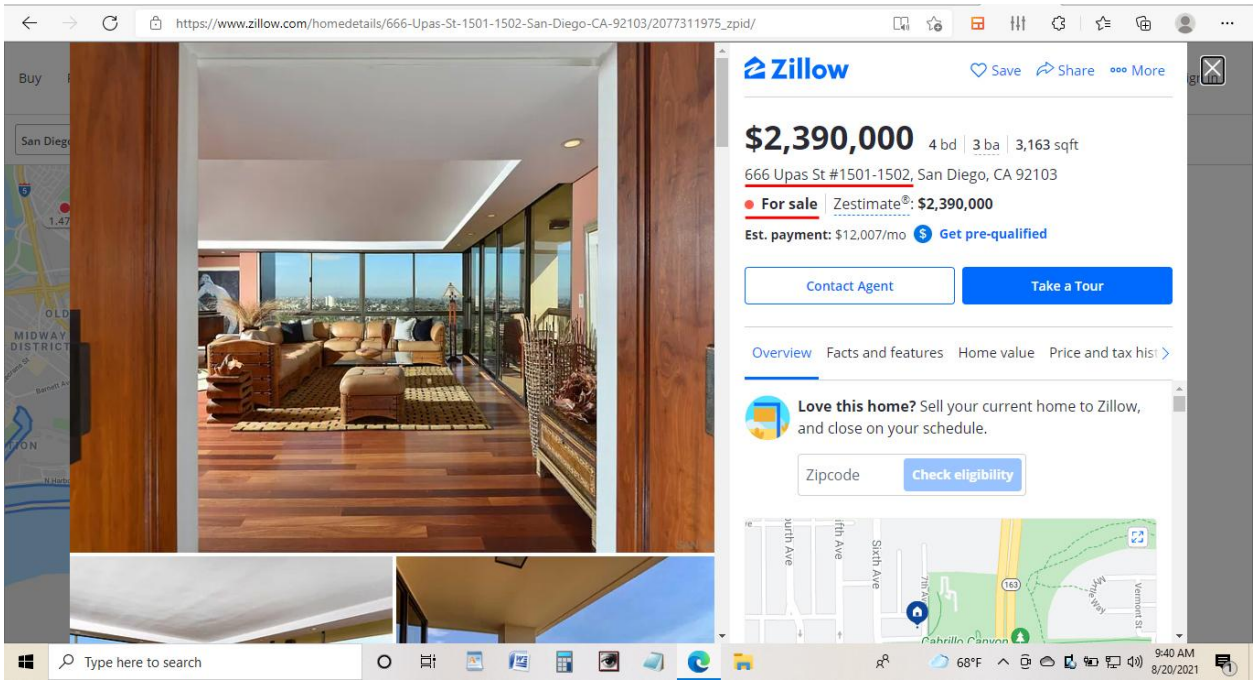

https://www.zillow.com/homedetails/666-Upas-St-1501-1502-San-Diego-CA-92103/2077311975_zpid/
Zillow
Save
Share
More
$2,390,000
4 bd | 3 ba | 3,163 sqft
666 Upas St #1501-1502, San Diego, CA 92103
For sale | Zestimate®: $2,390,000
Est. payment: $12,007/mo
Get pre-qualified
Contact Agent
Take a Tour
Overview
Facts and features
Home value
Price and tax hist
Love this home? Sell your current home to Zillow, and close on your schedule.
Zipcode
Check eligibility
Sixth Ave
Type here to search
68°F
9:40 AM
8/20/2021

Exhibit C

racer.casb.uscourts.gov/calendars/ADLER/4thu.pdf

Substantive Ruling: Defendant contends that UST "invoked the right of jury trial by claiming a fraudulent transfer." However, the UST's cause of action is for denial of Defendant's bankruptcy discharge under sec. 727(a)(2)(A). It is a core proceeding under 28 U.S.C. Sec. 157 of the Bankruptcy Code. Although it is premised, in part, on Defendant's transfers of real property to avoid and frustrate creditors, it is not an action requesting recovery of a fraudulent transfer. While the UST certainly is within her rights to bring a fraudulent transfer action against the recipient(s) of those transfers, the sole relief requested in this complaint is as against Defendant and for denial of Defendant's discharge.

Defendant argues that if the UST does not agree to a jury trial, the case will be removed to the USDC and a jury trial will be conducted there. There is no basis for such removal of this adversary proceeding. The UST's claim for denial of discharge is a core proceeding properly decided

by this Bankruptcy Court.

Defendant has no right to a jury trial when the sole issue for trial is whether a debtor's debts are subject to a bankruptcy discharge. His case citations due not support a different result.

remedial about it but is instead being complicit in it. In fact, Mihelic has been the object of the three legitimate aforementioned complaints and has a long list of unprofessional and criminal conduct related to the instant case. She has blatantly lied at least a dozen times and perjured herself at least once. A summary of her known wrongdoings can be found at www.stloiyf.com/mihelic/complaint.htm.

Finally, *Ullmann v. United States*, 350 U.S. 422 (1956) made clear that "the privilege [against self-incrimination] establishes not only that it is not to be interpreted literally, but also that its sole concern is, as its name indicates, with the danger to a witness forced to give testimony leading to the infliction of 'penalties affixed to the criminal acts. . . .' *Boyd v. United States*, 116 U. S. 616, 116 U. S. 634" (emphasis added).

Conclusion

The legal system has effectively thrown a rock into the hornets' nest and is wondering why the hornets have come out in full force and, of course, is now trying desperately to kill all the hornets. Petitioner wishes that those charged with upholding the law actually would but knows there must still be some good judges in America who do and who respect the U.S. Constitution and the brilliant people who created it, as is their sworn duty, instead of using it as doormat. All Petitioner asks when he goes into any court is to be treated fairly and for members of the system to follow their own rules and laws. That's all.

This is from page 9 of my petition for writ of mandamus filed on January 21, 2021. It was filed relatively early in the proceedings; therefore, the numbers I report are lower than what they actually are now. (See also doc. no. 84)

feasible to delay the depositions until some unknown time in the future."); *United Coals, Inc. v. Attijariwafa Bank*, No. 1:19-CV-95, 2020 U.S. Dist. LEXIS 65061, 2020 WL 1866426, at *7 n. 8 (N.D.W. Va. Apr. 14, 2020) ("As counsel and the Court endeavor to litigate and adjudicate during the COVID-19 outbreak, the world in which lawyers toil for depositions and the like has shrunk even more than before the pandemic with the prevalence of Zoom, FaceTime, Skype and other virtual discovery platforms."); *Gould Elecs. v. Livingston Cnty. Rd. Comm'n*, Case No. 17-cv-11130, 9 (E.D. Mich. Apr. 1, 2020) ("The parties are able to conduct a majority of their pretrial preparations electronically, such as by conducting remote video depositions of experts. In this digital age, both parties can likely prepare for trial with minimal to no physical interaction.") (emphasis added).

Here in the U.S. District Court for the Southern District of California, Chief Judge Order number 18-A went into effect on March 23, 2020. Paragraph 4B, which suspended in-person proceedings, states "In civil cases, the personal appearance of counsel, parties, witnesses, or other non-court personnel at proceedings, hearings, or conferences is excused" (emphasis added). The order has been renewed several times, once as recently as February 2, 2021, which extended to March 8, 2021, and through the February 12, 2021, date of Plaintiff's planned in-person deposition. Plaintiff then goes on to mention sanctions and other topics irrelevant to any extension for discovery.

Plaintiff's Argument Is Flawed and Contains More Lies

Plaintiff speaks of being frustrated. What is truly frustrating is that all members of the system thus far have refused to acknowledge the irrefutable evidence put forth by Defendant regarding the fraudulent judgment issued by the courts in the People's Republic of Massachusetts! Not a single person or entity has lifted a toxic finger to investigate the matter and correct this grave injustice. If Plaintiff had dutifully done so and had any real interest in justice, she would have never filed her complaint in the first place and the discharge would have long been granted. Defendant and the court would have been saved hundreds of hours, and taxpayers would have been saved thousands of dollars.

In her argument, she says that "the [d]efendant provided objections to the [A]UST's [i]nterrogatories, and failed to meet and confer regarding same." However, no rule or law requires a "meet and confer" at this juncture, and as explained previously, in-person meetings are temporarily banned here in the Southern District. She states that Defendant's responses were "almost two weeks late" but conveniently leaves out the fact that he said he was having computer problems and would reply promptly, which he did less than a week later, and that service by U.S. mail provides an extra three days to respond. See exhibit "E." Again, she declares that Defendant's responses "asserted unsubstantiated and meritless objections." This is wholly untrue. See exhibits "F," "G," and "H," the first of which attempted to give Plaintiff corrective guidance on her discovery deficiencies as shown in the email of January 7, 2021. Plaintiff did not respond. In fact, Plaintiff has not responded to several messages from Defendant, three of which are shown in exhibit "F." Plaintiff cannot pick and choose the messages to which she will reply. She did not correct her errors elucidated in the January 7, 2021, email either. Going into this case, Defendant already despised the legal system—and with exceptionally good reason. Actions of the court and Mihelic have not improved relations. Their dishonest and criminal behavior have put Defendant on high alert.

Plaintiff falsely alleges that "the [d]efendant failed to provide a reasonable time when his deposition could be conducted" and "Despite numerous requests from the [A]UST that he identify dates where he could start

This is from page 3 of my OBJECTION TO "PLAINTIFF UNITED STATES TRUSTEE'S SECOND MOTION TO EXTEND DISCOVERY DEADLINES AS TO THE UNITED STATES TRUSTEE" dated March 3, 2021. (See also doc. no. 117)

Exhibit F

Miscellaneous Points

The following important miscellaneous points need to be made but are listed as brief bullets in no particular order in an effort to make this reply as short as possible:

- As of today's date, Petitioner still does not have the minutes from the 341 meetings. He still does not have legitimate responses to his other discovery requests. He still does not have information regarding "Defendant Bates."
- Petitioner's filing of pleadings after *any* specific date does not give Mihelic the license to lie, violate rules of court, and commit crimes. Nobody should be given that luxury. Nobody is above the law.
- Annoyingly, the pattern repeats itself. In the originating case in Massachusetts, several criminals—some within the system—committed crimes against Petitioner, and then demanded *that he pay them* for those crimes. The same thing has happened in the instant case. Mihelic and her ilk have committed additional wrongdoings and crimes against Petitioner and, once again, demand *that he pay them* for those acts. That's just not going to happen in this universe. Petitioner does not pay people who, through their misconduct or criminal acts, cost him hundreds of thousands of dollars and thousands of hours of his time—or any amount of money and time—and who belong in prison. Period.
- No matter what Petitioner does, it will not satisfy Plaintiff, unless he says, "OK, I lied. I have $400,000,000,000.00 in cash stuffed under my mattress. You win. Here's everything I own now, and I promise to give you everything I will ever own. Give $100,000.00 to your friend Joseph L. Michaud and pocket the rest. Is there anything else I can do for you?" If the shoe was on the other foot, she would sure as hell be justifiably kicking and screaming for her discharge!
- The difference between Petitioner and any other party (including Plaintiff) associated with the five or so cases related to the civil matter that initiated this whole saga, the civil case in the Taunton District Court in Massachusetts, is that he can prove 100% of everything that he puts forth—not 75%, not 90%, not 99%—but 100%. No other party will be able to prove 100% of their claims—not even close.
- Legal battles today should *not* be mirror images of WWE matches wherein everything is showmanship and the outcome is predetermined. Members of the system have to stop selectively enforcing rules and laws and protecting their friends and attacking their enemies. Someone has to send a clear message to all violators in this case in order to curb reprehensible behavior. Petitioner will *not* stop until someone does.
- Mihelic has tried in vain to cloud the issue(s) with nonsense and garbage instead of looking at facts and evidence. She conveniently ignores everything of substance in Petitioner's motion that is more than worthy of sanctions: her lies, perjury, and other crimes. Petitioner will not tolerate this.
- It was so important to Mihelic to get contact information for several affiants, which she was given more than two months ago on December 30, 2020, but she has not contacted any of them yet.
- Delays in this matter fall squarely on Plaintiff's shoulders. As already stated, the complaint would have never been filed in the first place if facts had been properly investigated and justice was Mihelic's objective.
- Neither Petitioner nor anyone else should have to babysit Mihelic, who continues to live in her own little one-way world. Rules and law *must* apply to her. Nobody has yielded any ground to Petitioner. Nobody should yield any ground to Plaintiff.

This is from page 6 of my REPLY TO "UNITED STATES TRUSTEE'S RESPONSE TO MOTION TO COMPEL DISCLOSURE AND FOR SANCTIONS, AND REQUEST FOR REIMBURSEMENT OF EXPENSES" dated March 4, 2021. (See also doc. no. 119)

Exhibit G

submit a declaration proving up entitlement to an order denying Oliver's discharge in bankruptcy.

Regarding the U.S. Trustee's additional request for monetary sanctions for her fees incurred to successfully defend Oliver's prior motion to compel, the request is ***DENIED.*** The Court accepts Oliver's claim of inability to pay and determines that additional monetary sanctions are pointless and it issues the terminating sanction instead.

Finally, the Court admonishes Oliver to comply with the Code of Professional Conduct in USDC Local Rule 2.1. Hereinafter, he is not permitted to refer to Ms. Mihelic as a "Criminal" in his pleadings or within the presence of this Court; and his accusations against Ms. Mihelic on the website link referenced in his Objection are also uncivil and inappropriate. [See ECF 186, Pg. 2 (indicating he has a link on his website summarizing Ms. Mihelic's "Criminal" misconduct)]

2) U.S. TRUSTEE'S MOTION TO EXTEND DISCOVERY DEADLINES FILED BY KRISTIN MIHELIC ON BEHALF OF UNITED STATES TRUSTEE. (from 4/29/21)

MATTER WILL GO OFF CALENDAR for the reason that the Court intends to enter a terminating sanction, striking defendant's answer and entering a default, subject to prove up.

B2570 (Form 2570 – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/15)

UNITED STATES BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT District of SOUTHERN CALIFORNIA

In re THOMAS OLIVER
Debtor

Case No 20-01053-LA7

(Complete if issued in an adversary proceeding)

Chapter 7

ACTING UNITED STATES TRUSTEE
Plaintiff
v.
THOMAS OLIVER
Defendant

Adv. Proc. No 20-90093

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To KRISTEN T. MIHELIC
(Name of person to whom the subpoena is directed)

☒ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Electronic records of all incoming and outgoing phone calls (number and duration of each call) to and from the office of the U.S. trustee from Jan. 1, 2020, to present. Records shall be produced and delivered on an external USB drive.

PLACE	DATE AND TIME
6762 Carthage Street, San Diego, 92120	September 30, 2020 at 6pm

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: Aug 24, 2020

CLERK OF COURT

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Karen Duran
Signature of Clerk or Deputy Clerk *Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

2. On August 28, 2020, the Defendant, served the UST with a Subpoena to Produce Documents (Form 2570) ("Subpoena") commanding the UST to produce on September 30, 2020: "electronic records of all incoming and outgoing phone calls (number and duration of each call) to and from the office of the U.S. trustee from Jan. 1, 2020, to present. Records shall be produced and delivered on an external USB drive." The parties have not participated in an early conference of counsel or otherwise conducted a meet and confer regarding discovery.

3. As explained in the Motion for Protective Order, filed contemporaneously with this Motion for Order Shortening Time, the Subpoena is severely flawed. The Subpoena seeks irrelevant information and imposes an undue burden on the UST. Moreover, the production of the records demanded is improper under the Touhy regulations because the demand is not in accordance with applicable civil discovery rules and because compliance with the Subpoena would require production of information and records that are protected by the attorney work product and attorney-client privileges. In the Motion for Protective Order, the UST requests that the Court issue a protective order and quash the Subpoena.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

Minute Order

Hearing Information:

ADV: 20-90093

UNITED STATES TRUSTEE VS THOMAS OLIVER

Debtor: THOMAS OLIVER
Case Number: 20-01053-LA7 **Chapter:** 7
Date / Time / Room: THURSDAY, SEPTEMBER 24, 2020 02:00 PM DEPARTMENT 2
Bankruptcy Judge: LOUISE DeCARL ADLER
Courtroom Clerk: KAREN FEARCE
Reporter / ECR: TRISH CALLIHAN

Matter:

PRE-TRIAL STATUS CONFERENCE

Appearances:

KRISTIN MIHELIC, ATTORNEY FOR UNITED STATES TRUSTEE (Tele)
THOMAS OLIVER (Tele)

Disposition:

Hearing continued to 1/21/21 at 2:00 p.m. Discovery cutoff is 1/15/21, experts disclosures served by 10/15/20.
The Court is ruling that the numbers will remain as stated on the record as relating to the trial.
The consent to Bk court jurisdiction, the Defendant is not consenting to entry of final judgment.
All experts stated in the cert of compliance will remain.

The UST oral mtn for their compliance date in the subpoena is extended to Oct 1 for the protective order to be heard is granted by Court.

---

4. Without explanation, the Defendant failed to appear for a scheduled pre-trial conference on June 3, 2021. At the pre-trial conference, the Court granted the UST's oral motion to further extend the UST's discovery cut-off to June 30, 2021.

3) DEFENDANT'S MOTION TO COMPEL DISCLOSURE AND FOR SANCTIONS

Motion to Compel Disclosure and for Sanctions **DENIED**.

Next, Defendant contends he propounded interrogatories requesting the UST list all communications with an attorney, Douglas H. Smith, and a Mr. Joseph L. Michaud, but UST states no such documents exist. Defendant then provides an exhibit purporting to show email communications between Mr. Smith and UST's attorney, Kristin Mihelic. [Ex. L] However, Defendant's Interrogatory Requests No. 10 and 11 relating to Mr. Smith and Mr. Michaud only request "an accounting of the dates, times, and lengths of ***calls*** made to and received from" those parties. [Ex. K] There is no evidence that the UST has had phone call conversations with those parties. As mentioned above, the Court has already denied the Defendant's Motion requesting the totality of the UST's phone records.

REQUEST NO. 10:

Provide an accounting of the dates, times, and lengths of calls made to and received from Joseph L. Michaud and of any other communication from or to him.

REQUEST NO. 11:

Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him.

REQUEST NO. 12:

Provide an accounting of the dates, times, and lengths of calls made to and received from Massachusetts court staff and of any other communication from or to them.

THOMAS OLIVER, *Pro Se*
tomscotto@gmail.com

Dated: November 7, 2020

Note that the wording "and of any other communication from or to him" is left out. I deliberately filed bankruptcy without using my middle name because I have a common name and knew doing so would fog the cockpit. As a result, I also knew I would be confused with others by the same name, which would likely be helpful to me. Sure enough, many "creditors" went kicking and screaming to prevent the discharge. however, I know none of them. The only one that didn't was the only one I listed as a "creditor"/criminal on my schedules. The preceding, the quashing of my subpoena for phone records, the correspondence from Mr. Brinckerhoff shown in exhibit "LL," and the perjury committed as shown in this exhibit prove there were communications. It's hard to conceive that the DOI would so blatantly commit perjury and try to cover it up... in order to try to hide the phone call. So there's plenty of evidence that there were communications; it's just that the DOI tried (and failed) to hide some of it through perjury.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

Minute Order

Hearing Information:

ADV: 20-90093

UNITED STATES TRUSTEE VS THOMAS OLIVER

Debtor:	THOMAS OLIVER
Case Number:	20-01053-LA7 **Chapter:** 7
Date / Time / Room:	THURSDAY, JUNE 24, 2021 02:00 PM DEPARTMENT 2
Bankruptcy Judge:	LOUISE DeCARL ADLER
Courtroom Clerk:	KAREN FEARCE
Reporter / ECR:	JENNIFER GIBSON

Matters:

1) MOTION FOR SANCTIONS FOR PURSUANT TO FED. R. BANKR. P. 7037(b)(2) AND 7037(d)(1) OR IN THE ALTERNATIVE, FOR A FINDING OF CONTEMPT OF COURT PURSUANT TO FED. R. BANKR. P. 7037(b)(1) FILED BY KRISTIN MIHELIC ON BEHALF OF UNITED STATES TRUSTEE.

2) U.S. TRUSTEE'S MOTION TO EXTEND DISCOVERY DEADLINES FILED BY KRISTIN MIHELIC ON BEHALF OF UNITED STATES TRUSTEE. (from 4/29/21)

3) PRE-TRIAL STATUS CONFERENCE (from 4/29/21)

Appearances:

KRISTIN MIHELIC, ATTORNEY FOR UNITED STATES TRUSTEE (Tele)
THOMAS OLIVER (Tele)

Disposition:

1) Tentative Ruling of the Court is affirmed, except for the portion regarding the U.S. Trustee's additional request for monetary sanctions, that portion is withdrawn by Ms. Mihelic & vacated by the Court.
The order is to be lodged by Ms. Mihelic.

2-3) Tentative Ruling of the Court is affirmed.

Exhibit M

Hon. Louise DeCarl Adler

UNITED STATES BANKRUPTCY JUDGE

CURRENT POSITION

U.S. Bankruptcy Court
Southern District of California
Jacob Weinberger U.S. Courthouse
325 West 'F' Street
San Diego, CA 92101-6989
USA

Tel: 619-557-5661
Fax: 619-557-6975
Email: unpublishedjudge@acb.com

CLASS: VI (1995) CIRCUIT: NINTH

EDUCATION

Chatham College (1966)
Loyola University of Chicago School of Law (1970)

PROFESSIONAL CAREER

U.S. Bankruptcy Judge, Southern District of California (1984-), Chief Judge, (1996-01)
Faculty Member, Bankruptcy Judge Seminars, Federal Judicial Center
Lecturer to lawyer and non-lawyer audiences on various bankruptcy topics
Private practice, San Diego
Panel Trustee, Southern District of California

AFFILIATIONS

Lawyers Club of San Diego, Founding Member
California State Bar Business Law Section, Former Vice-Chair
California Bankruptcy Journal, Former Editorial Board Member
San Diego Bankruptcy Forum, Founding Member
Ninth Circuit Judicial Council, Chair, Bankruptcy Local Rules Review Committee
National Conference of Bankruptcy Judges, President (1994-95); Former Member, Board of Governors; Former Member, Board of Trustees, NCBJ Endowment for Education
Administrative Office of the U.S. Courts, Former Member, Bankruptcy Judges' Advisory Committee
Ninth Circuit Alternate Dispute Resolution Committee, Former Member
American College of Bankruptcy, Fellow
International Insolvency Institute

PUBLICATIONS

"Managing the Chapter 15 Cross-Border Insolvency Case: A Pocket Guide for Judges," Federal Judicial Center 2011 Author
"United States International Insolvency Law," Bankruptcy Code Chapter 15 2008-09 Contributing author
"International Insolvency," Federal Judicial Center 2001 Co-author

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New Member Profile

Karen McCready

By Genevieve A. Suzuki

Employment: Karen McCready is an attorney at the Minor's Counsel Office for the Dependency Legal Group of San Diego.

Education: She has two Bachelor of Science degrees, one in Political Science and the other in Criminal Justice from Northern Arizona University. She earned her master's degreein Social Work at San Diego State University and her J.D. at the University of San Diego, where she was named theJames A. D'Angelo Outstanding Child Advocate in 2005.

Hometown: Mesa, Ariz.

Years lived in San Diego: McCready haslived in San Diego since 1997. "I moved here two weeks after graduating college because I wanted to live by the beach," shesaid. "I told myself I'd give San Diego a try for a year and then decide between San Diego and Washington D.C. I had done an internship at the ABA's Juvenile Justice section in college and knew I'd love D.C., but I stayed because I kept finding jobs I loved – working with foster care youth in different positions – and because I found love – I met my husband the first month I moved here."

Why she attended law school: "I had one goal: to obtain the education and experience that would enable me to represent abused and neglected children," said McCready. "I only applied to USD because I wanted to participate in their Children's Advocacy Institute. Luckily, they accepted me."

Why she belongs to Lawyers Club: In law school she worked for attorney Linda Cianciolo, who was active in Lawyers Club and introduced McCready to the various activities and benefit of membership."Unfortunately, until this year, I've not had the opportunity to join. I joined to meet other women lawyers, particularly in areas of law outside my own, and to take advantage of the club's programs," said McCready.

On maintaining a work/life balance: "I'm not very good at [maintaining balance]," said McCready. "However, I usually keep one weekend day completely work free. This helps me take a breath and re-energize."

The San Diego judge and lawyer she most admires: "Judge Ana Espana inspired me to become a dependency attorney," she said. "I served on a committee with her when I was providing direct social services to foster youth – at the time she was the supervising attorney of the Public Defender's Office of Children's Counsel. The more I heard her advocate for the youth, the more I knew I had to do what she did." McCready said she also admires Angela Bartosik, who supervised her at the Public Defender's Criminal Misdemeanor Unit. "I never expected to practice criminal law and she helped me learn so much in a short amount of time. Without her guidance, I never would have known I could do a jury trial...and like it!"

Non-law interests: McCready enjoys yoga, running and reading. The last book she read was "The Forgotten Garden" by Kate Morton.

If you know a new member who should be profiled, please contact Genevieve Suzuki at suzukigen@gmail.com.

Genevieve A. Suzuki is assistant editor of Lawyers Club News and partner at Suzuki Wuori, LLP.

Welcome to New Lawyers Club Members

Charlene Arguelles Soco
Micaela Banach
Alexandra Byler
Elizabeth Call
Samantha Cantilena
Kris Cherevas
Alyssa Ehrlich
Heather Ferbert
Lara Garner
Kelly Anne Harrison
Laura Heyne
Helen Hong
Ashley Jain
Jennifer Jandreau
Jan Merna
Kristin Mihelic
Saman Nasseri
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Merle Meyers	Meyers Law Group, P.C.	San Francisco	CA
Pamela Meyers		Woodstock	GA
Michele Michaelis	BDO USA, LLP	New York	NY
Bob Michaelson	Rich Michaelson Magaliff, LLP	New York	NY
Kristin Mihelic	Office of the US Trustee	San Diego	CA
Richard Mikels	Pachulski Stang Ziehl & Jones	New York	NY
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Geoff Miller	Dentons US LLP	Chicago	IL
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Kristin Mihelic

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MEMBER PROFILE DETAILS

Membership level	Government employee
First name	Kristin
Last name	Mihelic
Email	kristin.t.mihelic@usdoj.gov
Phone	619-557-5013

Exhibit R

2021 [ECF 79; affirming the Tentative Ruling at ECF 78]

- First Sanctions Order for $2,199.00 at ECF 72
- Lodged Order Extending Discovery Deadlines at ECF 83
- Lodged Order Compelling Discovery Responses; Setting Defendant's Deposition for Feb. 12, 2021 & Approving Second Sanctions ($3,582.55) at ECF 89

To date, Defendant is not in compliance with the Sanctions Orders, nor has Defendant provided full and complete responses to UST's written discovery requests. Defendant did not appear for deposition on Feb. 12, 2021 and did not communicate or explain the failure to appear.

Defendant's Opposition rehashes arguments re: discovery that he previously raised and lost, completely ignoring that the Court has already entered an Order compelling Defendant to provide written discovery and appear for a deposition [ECF 89].

Even in his Opposition, Defendant is clear that he will not appear for deposition or provide answers to requests for admission. Instead, Defendant conditions compliance with Court Orders on the Court's ruling in his favor on his Motion to Appoint Counsel (also to be heard 4/1/2021).

Defendant's assertions that Plaintiff has wasted time during the discovery process are unfounded and without merit, as evidenced by the record. Defendant claims he offered several deposition dates, but the evidence he attaches in support (an email chain) has been altered to make it appear that he offered deposition times beginning at 10:00 AM. The true email chain is part of the record and filed in the UST's status report [ECF 74]. Defendant is strongly cautioned that fabricating evidence may be an independently sanctionable offense.

On January 25, 2021 this Court signed and issued an order compelling Defendant to (1) deliver "[F]ull and complete Answers to Interrogatories, Responses to Request for Production of Documents and all responsive documents;" (2) appear for deposition on February 12, 2021; and (3) pay sanctions for reasonable costs and fees to file and bring the prior Motion to Compel, in the amount of $3,582.55." [ECF 89] By Defendant's own admission, Defendant is not in compliance with *any* portion of the Court's order, and per FRCP 37 (b)(1), made applicable by FRBP 7037, may be held in contempt of court and/or sanctions may be awarded.

December 17, 2020. The Court entered an Order on December 23, 2020 granting the Motion and compelling the Defendant to provide certain Initial Disclosures. After the UST provided a declaration as to costs incurred, the Court entered a second Order on January 4, 2021 requiring the Defendant to pay sanctions to the Plaintiff in the amount of $2,199.00 by February 4, 2021 ("First Sanctions Order").

The UST promulgated written discovery to the Defendant, including Interrogatories and Requests for Production of Documents. The Defendant did not provide full and complete responses.[2] In addition, the Defendant failed to

[2] Although the Defendant provided Responses to the Requests for Production of Documents on December 8, 2020, the Defendant did not provide any responsive documents, other than a tax return previously produced. The

cooperate with the UST in scheduling his deposition. Accordingly, the UST filed a Motion to Compel Discovery ("Discovery Motion") requesting that the Court compel the Defendant to provide answers to Interrogatories and responsive documents to the Request for Production of Documents and compel the Defendant to appear for deposition.

Contemporaneously with the Discovery Motion, the UST filed a Motion to Extend Discovery Deadlines As To the United States Trustee ("First Extension Motion"). On January 14, 2021, the Court conducted a hearing on the Discovery Motion and the First Extension Motion. The Court entered an Order on January 25, 2021 granting the Discovery Motion, compelling the Defendant to provide full and complete responses to the UST's written discovery requests by February 4,

Tom <tomscotto@gmail.com>
to Kristin

Tue, Nov 24, 2020, 2:22 PM

regarding deposition date/time:
dec 18 7pm to 10pm
dec 19 7pm to 10pm

Kristin.T.Mihelic@usdoj.gov

177 of 202

Tom <tomscotto@gmail.com>
to Kristin

i really don't care that my responses were not "well taken." i do care about the constitution, the law, and rules of procedure, most of which nobody is following except for me. go ahead and file your motion to compel. there is no rule (civil, bankruptcy, or local) that we are "required to meet and confer" right now. it should be clear that i'm confining all correspondence with you to written form for a valid reason: so i can bag you lying and have proof of it, which i have done several times. the list currently stands at 8 occurrences and is growing. i think you've set a new record with 2 lies in 1 email. congratulations.

you state that you "have not yet received [my] answers to [y]our Interrogatories." as can be seen below, i sent this information well over a week ago. and as i said previously, i am available for deposition dec 18 and 19 from 10am to 7pm.

if you continue on your present course, *i* will have no choice but to file a complaint with you with the department of injustice (https://www.justice.gov/opr/how-file-complaint), with the CA bar (https://www.calbar.ca.gov/Public/Complaints-Claims/How-to-File-a-Complaint), and with several online resources.

Mihelic, Kristin T. (USTP) Tue, Nov 24, 2:28 PM

to me

Mr. Oliver,

We can't conduct depositions that late for many reasons, including that the court reporter's office is not open. As you might be aware, a deposition might proceed for 7 hours. The depositions are required to be conducted during regular business hours. Please provide dates and start times no later than 12 pm. Thank you.

Kristin T. Mihelic
U.S. Department of Justice
Office of the U.S. Trustee
880 Front Street Suite 3230
San Diego, CA 92101
619-557-5013 x4803
Fax: 619-557-5339

Tom <tomscotto@gmail.com> Dec 18, 2020, 3:50 PM

to Kristin

proof was sent in the last email, which i know you received since you replied to it. 9th lie, still counting.....

provide the rule that states depositions must be held during the times you state and i will abide by that.

•••

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the matter of)
)
SUSPENSION OF PERSONAL APPEARANCES AND IN-PERSON FILING IN CIVIL CASES DURING THE COVID-19 PUBLIC EMERGENCY)
)

Order of the Chief Judge No. 18-A

This Order amends paragraph 4 of Order of the Chief Judge No. 18, and is predicated on the facts set forth there.

4A. Except for convening jury trials, individual district judges will retain discretion in criminal cases, on a case by case basis, to schedule criminal proceedings, hold hearings, conferences, and bench trials, and otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

4B. In civil cases, the personal appearance of counsel, parties, witnesses, or other non-court personnel at proceedings, hearings, or conferences is excused, unless they are ordered to appear in person by a judicial officer after the date this Order is signed. With the exception of jury trials, judges will retain discretion to schedule and hold proceedings, hearings, and conferences telephonically or by video conferencing, as permitted by law.

4C. In civil cases, documents are not to be filed in person at the courthouse as permitted by Civil L.R. 77.1. Counsel and parties should not come to the courthouse or send others to the courthouse to file or submit documents that can be mailed or filed electronically. In the case of filings that cannot be accomplished except in person, counsel or parties should deposit documents to be filed in the Clerk's office's after-hours drop-off box. Unless payment is made online or the party is moving to proceed *in forma pauperis*, a check or money order to cover any

-Failed to provide a reasonable time when his deposition could be conducted. Despite numerous requests from the UST that he identify dates where he could start the deposition during normal business hours, the Defendant refused to do so. See First Discovery Motion.

-Provided his Responses to the Requests for Production of Documents almost two weeks late and asserted unsubstantiated and meritless objections. See First Discovery Motion.

-Failed to provide any responsive documents, other than his tax return, before the First Discovery Motion was filed. See First Discovery Motion.

-Failed to provide full and complete answers to Interrogatories and responses to the Request for Production of Documents by February 4, 2021, in violation of the Second Sanctions Order. See Second Sanctions Order.

-Failed on two occasions to attend his scheduled deposition. See Second Sanctions Order; Third Compel Order.

Therefore, terminating sanctions are also mandated under FRBP 7037(d)(1)(A) for each of these five instances of misconduct in the discovery process. See FRBP 7037(d)(1)(A); FRBP 7037(d)(3).

The Defendant violated two rules, FRBP 7037(b) and 7037(d). He has failed to obey three court orders; failed to attend his scheduled deposition on two

The above are either all lies or contrivances based on fraud, deceit, and corruption.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

Minute Order

(continue).. 20-01053-LA7 THURSDAY, APRIL 01, 2021 02:00 PM

Disposition:

1) Hearing continued to 4/29/21 at 2:00.

2) Hearing continued to 4/29/21 at 2:00, The discovery deadlines for the UST is extended to 5/1/21 per the tentative ruling. The deposition to be held virtual in the Court Reporter office on 4/19/21 at 10:00 a.m.

Mr. Oliver has the court's permission to have a witness/friend with him at the deposition.
Mr. Oliver to let Ms. Mihelic know by tomorrow if his witness/friend is available for 4/19/21.

The UST to file a status report to be filed by 4/22/21 informing the court if the deposition has been completed. Order to be prepared by Ms. Mihelic.

3) Motion denied per the tentative ruling, except for the extension discovery for the sanction portion. By 5/1/21 Mr. Oliver may ask any reasonable request in good faith & not duplicate prior ruling of this case that's been denied. Ms. Mihelic to initiate the electronic version of the 341(a) mtg for Mr. Oliver.

4) Off calendar, withdrawn by Defendant.

THOMAS OLIVER, PETITIONER/DEFENDANT
3070 BRISTOL STREET, SUITE 660
COSTA MESA, CA 92626
401-835-3035

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: THOMAS OLIVER, PETITIONER/DEFENDANT	CASE NO.: 20-01053-LA7 ADV. PROC. NO.: 20-90093

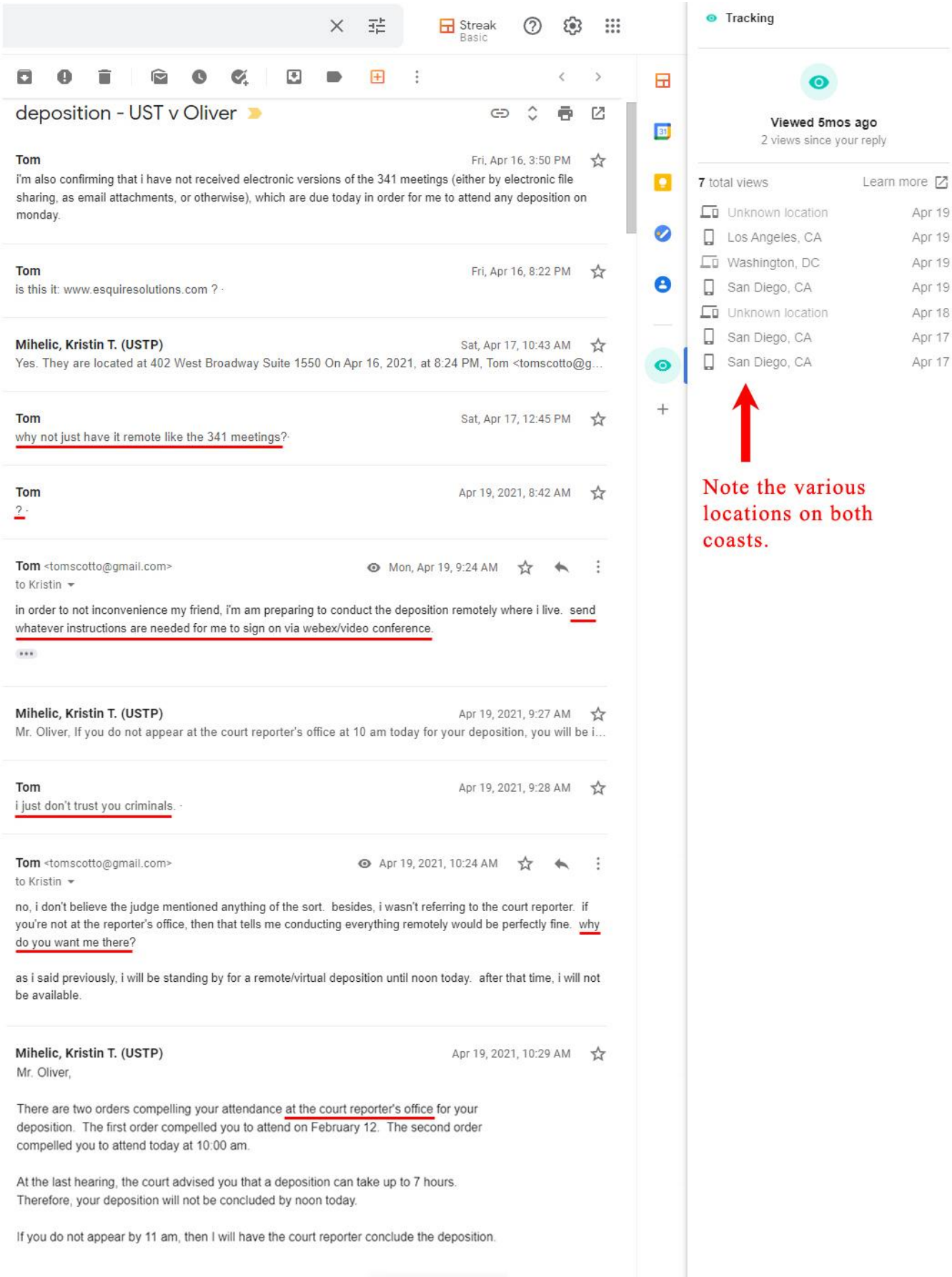
RESPONSE TO "UNITED STATES TRUSTEE'S STATUS REPORT RE SECOND MOTION TO EXTEND DISCOVERY DEADLINES"

Acting U.S. trustee conveniently leaves out much information in her "status report." Defendant sent an email to Mihelic on April 16, 2021, "is this it: www.esquiresolutions.com ?" On April 17, 2021, Plaintiff replied, "Yes. They are located at 402 West Broadway Suite 1550." Defendant was *not* asking for the physical location. He had other reasons for asking that question. On that same day, Defendant sent another email: "why not just have it remote like the 341 meetings?" Plaintiff did not respond. On April 19, 2021, prior to the scheduled deposition, Defendant emailed Mihelic: "?". Once again, she did not respond. After Plaintiff had at that point raised multiple red flags, Defendant sent a follow-up email on April 19, 2021, prior to the scheduled deposition, "in order to not inconvenience my friend, i'm am preparing to conduct the deposition remotely where i live. send whatever instructions are needed for me to sign on via webex/video conference." Defendant had also sent another email containing the question, "why do you want me there?" Yet again, Plaintiff did not answer it. Because of Plaintiff's actions and what has transpired is this case thus far and because of what the world's largest crime syndicate has done in Defendant's life, he took the safest course of action and was fully prepared to begin the "virtual" deposition up until noon on April 19, 2021. However, Plaintiff refused to provide instructions for him to do so despite the fact that she would not be appearing physically herself at the reporter's office.

April 22, 2021

Thomas Oliver
401-835-3035

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



Streak Basic

deposition - UST v Oliver

Tom Fri, Apr 16, 3:50 PM
i'm also confirming that i have not received electronic versions of the 341 meetings (either by electronic file sharing, as email attachments, or otherwise), which are due today in order for me to attend any deposition on monday.

Tom Fri, Apr 16, 8:22 PM
is this it: www.esquiresolutions.com ?

Mihelic, Kristin T. (USTP) Sat, Apr 17, 10:43 AM
Yes. They are located at 402 West Broadway Suite 1550 On Apr 16, 2021, at 8:24 PM, Tom <tomscotto@g...

Tom Sat, Apr 17, 12:45 PM
why not just have it remote like the 341 meetings?

Tom Apr 19, 2021, 8:42 AM
?

Tom <tomscotto@gmail.com> Mon, Apr 19, 9:24 AM
to Kristin
in order to not inconvenience my friend, i'm am preparing to conduct the deposition remotely where i live. send whatever instructions are needed for me to sign on via webex/video conference.

Mihelic, Kristin T. (USTP) Apr 19, 2021, 9:27 AM
Mr. Oliver, If you do not appear at the court reporter's office at 10 am today for your deposition, you will be i...

Tom Apr 19, 2021, 9:28 AM
i just don't trust you criminals.

Tom <tomscotto@gmail.com> Apr 19, 2021, 10:24 AM
to Kristin
no, i don't believe the judge mentioned anything of the sort. besides, i wasn't referring to the court reporter. if you're not at the reporter's office, then that tells me conducting everything remotely would be perfectly fine. why do you want me there?

as i said previously, i will be standing by for a remote/virtual deposition until noon today. after that time, i will not be available.

Mihelic, Kristin T. (USTP) Apr 19, 2021, 10:29 AM
Mr. Oliver,

There are two orders compelling your attendance at the court reporter's office for your deposition. The first order compelled you to attend on February 12. The second order compelled you to attend today at 10:00 am.

At the last hearing, the court advised you that a deposition can take up to 7 hours. Therefore, your deposition will not be concluded by noon today.

If you do not appear by 11 am, then I will have the court reporter conclude the deposition.

Tracking

Viewed 5mos ago
2 views since your reply

7 total views Learn more

Unknown location	Apr 19
Los Angeles, CA	Apr 19
Washington, DC	Apr 19
San Diego, CA	Apr 19
Unknown location	Apr 18
San Diego, CA	Apr 17
San Diego, CA	Apr 17

Note the various locations on both coasts.

Exhibit AA

ORDER ON MOTION TO COMPEL DISCOVERY
DEBTOR: THOMAS SCOTT OLIVER

CASE NO.: 20-01053-LA7
ADV NO.: 20-90093-LA

This cause coming to be heard on the United States Trustee's Motion to Compel Discovery and for Sanctions ("Motion") filed on December 15, 2020, the United States Trustee ("UST") was represented by Kristin T. Mihelic, and all other appearances were as noted in the record. The Motion was unopposed. The Court having considered the Motion, the record in this case, the Declaration of Kristin T. Mihelic in Support of United States Trustee's Motion to Compel Discovery and for Sanctions, and for all the reasons set forth in the Court's Tentative Ruling dated January 12, 2021 (docket no. 78), the Court finds that the Motion should be granted,

IT IS HEREBY ORDERED:

1. The Motion is granted;

2. The objections by the Defendant, Thomas Scott Oliver ("Defendant"), to the UST's First Set of Interrogatories and Request for Production of Documents are overruled;

3. The Defendant shall deliver to the UST, attn: Kristin T. Mihelic, by email transmittal to kristin.t.mihelic@usdoj.gov and regular mail to Kristin T. Mihelic, Office of the U.S. Trustee, 880 Front Street Suite 3230, San Diego, CA 92101, within 10 days of the date of entry of this Order, full and complete Answers to Interrogatories, Responses to Request for Production of Documents and all responsive documents;

4. The Defendant shall appear for deposition on February 12, 2021 at 9:00 am. at the offices of Esquire Court Reporting, 402 West Broadway, Suite 1550, San Diego, CA 92101; and

5. Sanctions for the UST's reasonable costs and fees to file and bring the Motion are assessed against the Defendant and in favor of the UST in the amount of $ $3,582.55. Defendant shall pay the sum of $ $3,582.55 payable to the United States Trustee and addressed to Kristin T. Mihelic, Office of the U.S. Trustee, 880 Front Street Suite 3230, San Diego, CA 92101 within 30 days of the date of this Order.

IT IS SO ORDERED.

Note that the wording here differs significantly from the order shown in exhibit "Y" regarding any physical presence at the reporter's office.

CSD 3000A

Signed by Judge Louise DeCarl Adler January 25, 2021

THOMAS OLIVER, PETITIONER/DEFENDANT
3070 BRISTOL STREET, SUITE 660
COSTA MESA, CA 92626
401-835-3035

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: THOMAS OLIVER, PETITIONER	CASE NO.: 20-01053-LA7 ADV. PROC. NO.: 20-90093

OPEN LETTER

The open letter at the following hyperlink explains why I'm ***furious*** at the legal system and why my bankruptcy discharge must be granted:

http://www.stloiyf.com/evidence/letter.htm

The undersigned hereby certifies under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that a true copy of this letter was this day served upon Kristin T. Mihelic, Acting United Sates Trustee, by email at Kristin.T.Mihelic@usdoj.gov.

November 16, 2020

Thomas Oliver
401-835-3035

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

REQUEST NO. 1:

Provide all audio recordings of the 341 meetings conducted for these proceedings and made by you or anyone else. These are to be provided in both electronic audio (e.g., mp3) and readable electronic format (e.g., Microsoft Word).

-
-
-
-
-

REQUEST NO. 9:

Provide all documents and receipts showing that copies of the book, *Stack the Legal Odds in Your Favor*, as AUST claims to posses as stated in AUST's initial disclosures, were purchased, including the price paid for each copy.

REQUEST NO. 10:

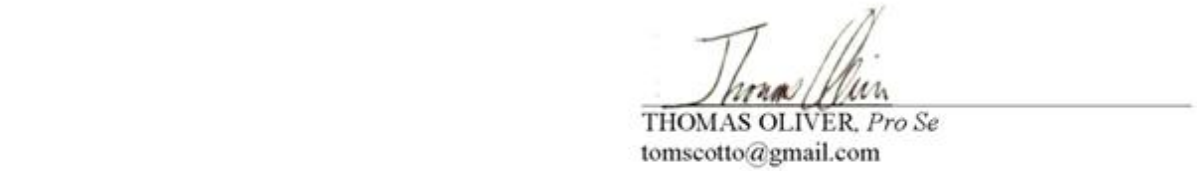
Provide an accounting of the dates, times, and lengths of calls made to and received from Joseph L. Michaud and of any other communication from or to him.

REQUEST NO. 11:

Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him.

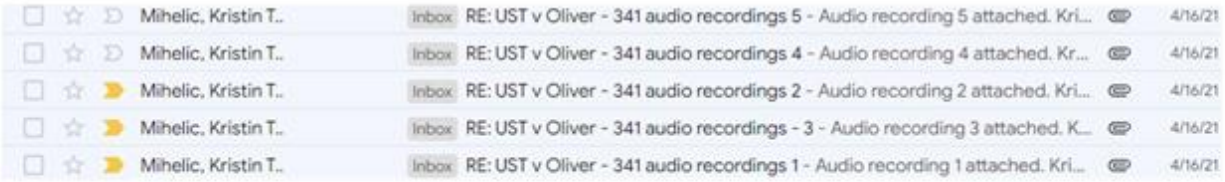
REQUEST NO. 12:

Provide an accounting of the dates, times, and lengths of calls made to and received from Massachusetts court staff and of any other communication from or to them.



THOMAS OLIVER, *Pro Se*
tomscotto@gmail.com

Dated: November 7, 2020



5. "Complaint" refers to the Complaint Objecting to the Debtor's Discharge Pursuant to 11 U.S.C. § 727(c) filed by the Plaintiff, the Acting United States Trustee, on or about July 30, 2020.

6. "Answer" refers to the Answer to Plaintiff's Complaint that you filed on or about August 17, 2020.

7. "Plaintiff" refers to the Acting United States Trustee.

8. "You" or "Your," means Thomas Scott Oliver and his agents, attorneys, accountants, or other representatives, predecessors, successors, assigns and affiliates.

9. "Person" means any individual, firm, partnership, corporation, association, or other business enterprise or legal entity.

10. "Relate to" means refer to, constitute, evidence, reflect, describe, explain, or discuss as used herein, "AND" or "OR" are intended to have conjunctive and disjunctive meanings, so as to be inclusive of any information which otherwise may be excluded from the response.

11. The use of the present tense includes past tense, and the use of past tense includes the present tense, so as to be inclusive of any information which otherwise may be excluded from the response.

DOCUMENTS TO BE PRODUCED

REQUEST NO. 1: Any and all documents relating to or evidencing your interest at any time in the real property located at 116 Rocky Brook Way, Wakefield, Rhode Island.

RESPONSE:

REQUEST NO. 2: Any and all documents relating to or evidencing the transfer of any interest you had in the real property located at 116 Rocky Brook Way, Wakefield, Rhode Island, including but not limited to all deeds you executed concerning said property and any documents referencing any consideration you received in exchange for the transfer.

RESPONSE:

REQUEST NO. 3: Any and all documents relating to or evidencing any consideration you received in exchange for the transfer of the real property located at 116 Rocky Brook Way, Wakefield, Rhode Island.

RESPONSE:

REQUEST NO. 4: Any and all documents relating to or evidencing your interest at any time in the real property located at 1860 My Place Lane, West Palm Beach, Florida.

RESPONSE:

REQUEST NO. 5: Any and all documents referencing or evidencing the transfer of any interest you had in the real property located at 1860 My Place Lane, West Palm Beach, Florida, including but not limited to all deeds you executed concerning said property.

RESPONSE:

REQUEST NO. 6: Any and all documents relating to or evidencing any consideration you received in exchange for the transfer of the real property located at 1860 My Place Lane, West Palm Beach, Florida.

RESPONSE:

REQUEST NO. 7: Any and all applications for any bank accounts, credit, loans, mortgages, leases or insurance made by the Defendant during the time period January 1, 2018 through the present time.

RESPONSE:

REQUEST NO. 8: Any and all monthly, quarterly or other financial statements for any bank accounts, brokerage accounts, escrow accounts, trust accounts you controlled, or in which you held an interest, at any time during the time period January 1, 2018 through the present date.

RESPONSE:

REQUEST NO. 9: Any and all documents, including but not limited to electronic transfers, statements, cancelled checks, cashier's checks, money orders , deposit slips, correspondence, or electronic communications of any kind, relating to or evidencing any and all transfers between Defendant and Norma Oliver.

RESPONSE:

REQUEST NO. 10: Any and all documents referring to or relating to the matters set forth in Plaintiff's Complaint.

RESPONSE:

REQUEST NO. 11: Any and all documents referring to or relating to the matters set forth in the Defendant's Answer.

RESPONSE:

REQUEST NO. 12: Any and all documents relating to or evidencing any transaction between you and Norma Oliver in excess of $200.00 during the time period January 1, 2018 to the present date.

RESPONSE:

REQUEST NO. 13: Your federal and state income tax returns for 2019. Include all schedules and w-2 forms, 1099's and K1's.

RESPONSE:

REQUEST NO. 14: Any and all documents evidencing or relating to any transfer of personal property by the Defendant in excess of $200.00 between the time period January 1, 2018 through the present date.

RESPONSE:

REQUEST NO. 15: Any and all documents relied upon to prepare the Defendant's Answer to the Complaint herein.

RESPONSE:

REQUEST NO. 16: Any and all documents that Defendant intends to introduce into evidence at trial.

RESPONSE:

REQUEST NO. 17: Any and all documents relied upon by the Defendant to prepare his Schedules and Statement of Financial Affairs, and any amendments to any of the aforementioned bankruptcy documents.

RESPONSE:

REQUEST NO. 18: Any and all documents that support your contention in your Answer that the "Acting United States Trustee ('AUST') has files a frivolous lawsuit" against you.

RESPONSE:

REQUEST NO. 19: Any and all documents that support your requests in your Answer for an award of $329,133 in punitive damages from the Acting United States Trustee and the U.S. government and for an award of attorneys fees.

RESPONSE:

REQUEST NO. 20: Any and all correspondence received from or sent to any taxing authority during the time period January 1, 2018 to the present date concerning real property and/or income taxes owed by you or tax returns filed by you or any entity you control or controlled at any time.

RESPONSE:

REQUEST NO. 21: Copies of all hard drives, temporary storage discs and/or flash drives for any computer system, lap top, or other personal electronic device which you had access to and or to which you utilized during the time periods from January 1, 2018 to the present date.

RESPONSE:

REQUEST NO. 22: Any and all documents relating to or evidencing all income, compensation, monetary gifts, loans, support, receipts, and cash in excess of $200.00 received by you from any source during the time period January 1, 2018 to the present date.

RESPONSE:

REQUEST NO. 23: Any and all documents relating to or evidencing any monies owed to you or claimed by you in connection with the publication of the book "Stack the Legal Odds in Your Favor: Understand America's Corrupt Judicial System."

RESPONSE:

REQUEST NO. 24: Any and all documents referencing or evidencing any inheritance you received following the death of your father, Thomas Oliver, Sr.

RESPONSE:

REQUEST NO. 25: Any and all documents relating to or evidencing any property you received pursuant to a right of survivorship by virtue of property held jointly, and/or property received as beneficiary of a life insurance policy or a trust, at any time during the time period January 1, 2016 to the present date.

RESPONSE:

REQUEST NO. 26: Any and all documents relating or evidencing the lawsuits involving Alyssa Parent d/b/a Sun Days Tanning Etc.

RESPONSE:

REQUEST NO. 27: Any and all documents relating to the Writ of Execution concerning the real property at 116 Rocky Brook Way, Wakefield, Rhode Island, including documents evidencing or relating to any attempt by a judgment creditor to levy, lien or seize upon said real property.

RESPONSE:

REQUEST NO. 28: Any and all documents relating to or evidencing income you received from any real property that you owned or managed during the time period January 1, 2018 to the present date.

RESPONSE:

Respectfully submitted,

TIFFANY L. CARROLL,
ACTING UNITED STATES TRUSTEE

Dated: October 26, 2020

By:/s/ Kristin T. Mihelic
Kristin T. Mihelic
Attorney for the Acting United States Trustee

THOMAS OLIVER, PETITIONER/DEFENDANT
3070 BRISTOL STREET, SUITE 660
COSTA MESA, CA 92626
401-835-3035

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: THOMAS OLIVER, PETITIONER	CASE NO.: 20-01053-LA7 ADV. PROC. NO.: 20-90093

DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

1. Objection: too overbroad and vague; however, documentation has already been provided in initial disclosures despite any such documents being created prior to the time limit as set by law.
2. Already provided in initial disclosures despite any such documents being created prior to the time limit as set by law.
3. Duplicative of/included in request 2.
4. Objection: too overbroad and vague.
5. Objection: too overbroad and vague.
6. Objection: too overbroad and vague.
7. Objection: date requested is beyond the limit as set by law.
8. Objection: date requested is beyond the limit as set by law.
9. Objection: too overbroad and vague.
10. No such "Complaint" exists.
11. No such "Complaint" or "Answer" exists.
12. Objection: date requested is beyond the limit as set by law.
13. See attached.

14. Objection: date requested is beyond the limit as set by law.

15. No such "Complaint" or "Answer" exists.

16. Documents that have been provided as part of initial disclosures, plus others still to be determined.

17. Already provided as part of this portion of discovery or earlier in these proceedings.

18. No such "Answer" exists.

19. No such "Answer" exists.

20. Objection: date requested is beyond the limit as set by law.

21. Objection: date requested is beyond the limit as set by law.

22. Objection: date requested is beyond the limit as set by law.

23. Objection: too overbroad and vague.

24. Objection: too overbroad and vague.

25. Objection: date requested is beyond the limit as set by law.

26. Unknown.

27. Unknown.

28. Objection: date requested is beyond the limit as set by law.

Dated: 12-8-20

Thomas Oliver

Office of the U.S. Trustee

880 Front Street Suite 3230

San Diego, CA 92101

619-557-5013 x4803

Fax: 619-557-5339

From: Tom <tomscotto@gmail.com>
Sent: Wednesday, May 13, 2020 11:03 AM
To: Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@UST.DOJ.GOV>
Subject: Re: Oliver 20-01053

i've attached additional requested copies to this email. note that it was not a complaint filed against me; it was a petition/foreign judgment according to what i can see online, which is likely a result of the fraudulent judgment i mentioned that originated in MA. i can provide ***plenty*** of evidence regarding the fraud/crimes committed in that case: the perjury, obstruction of justice, clandestine phone calls made by others, conspiracy to commit fraud, "fixed" court docket, rewriting of a criminal law after the fact to indemnify the opposing lawyer who violated it and is connected to former U.S. senator scott brown, and much more. i actually called the DoJ/FBI for nearly 30 days straight back in january 2018. absolutely nobody lifted a toxic finger to prosecute these criminals—and there are many—and put them in prison where they belong. instead, you rewarded the lead lawyer-criminal by appointing him judge. now is your chance to *finally* do the right thing. i ***would not*** be filing this chapter 7 if not for them and the corruption in the originating case. lastly, to answer the biggest question you have but haven't yet openly asked: yes, i'm ***PISSED!!!***

On Mon, May 11, 2020 at 1:22 PM Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov> wrote:

Dear Mr. Oliver,

As noted during the 341 hearing today, the documents set forth in my May 8th email below remain open. You indicated that you do not have many of the items, however, you do have bank statements that you will provide for the requested

Despite my willingness and offer to provide "plenty of evidence regarding the fraud/crimes committed in that case: the perjury, obstruction of justice, clandestine phone calls made by others, conspiracy to commit fraud," and much more, Criminal-Mihelic did not respond to this email.

REQUEST NO. 9

Provide all documents and receipts showing that copies of the book, Stack the Legal Odds in Your Favor, as AUST claims to posses as stated in AUST's initial disclosures, were purchased, including the price paid for each copy.

RESPONSE TO REQUEST NO. 9:

The Plaintiff sets forth all general objections as if fully set forth herein. Plaintiff further objects to Request No. 9 as irrelevant and not proportional to the needs of the case. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

REQUEST NO. 10

Provide an accounting of the dates, times, and lengths of calls made to and received from Joseph L. Michaud and of any other communication from or to him.

RESPONSE TO REQUEST NO. 10:

The Plaintiff sets forth all general objections as if fully set forth herein. Plaintiff further objects to Request No. 10 as violating the work product privilege. Subject to these objections, Plaintiff states that no such documents exist. Discovery is ongoing and, Plaintiff reserves the right to supplement this response.

REQUEST NO. 11

Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him.

RESPONSE TO REQUEST NO. 11:

The Plaintiff sets forth all general objections as if fully set forth herein. Plaintiff further objects to Request No. 11 as violating the work product privilege. Subject to these objections, Plaintiff states that no such documents exist. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

//

REQUEST NO. 12

Provide an accounting of the dates, times, and lengths of calls made to and received from Massachusetts court staff and of any other communication from or to them.

RESPONSE TO REQUEST NO. 12:

The Plaintiff sets forth all general objections as if fully set forth herein. Plaintiff further objects to Request No. 12 as violating the work product privilege. Subject to these objections, Plaintiff states that no such documents exist. Discovery is ongoing and Plaintiff reserves the right to supplement this response.

Respectfully submitted,

TIFFANY L. CARROLL
ACTING UNITED STATES TRUSTEE

Dated: December 9, 2020

By: /s/ Kristin T. Mihelic
Kristin T. Mihelic
Attorney for the Acting United States Trustee

Lodhi, Anisa (USTP)

From: Gerald Davis <ghd@trusteedavis.com>
Sent: Tuesday, July 7, 2020 11:47 AM
To: Mihelic, Kristin T. (USTP); West, Michael C. (USTP)
Subject: Fw: Bankruptcy of Thomas Oliver (20-1053-LA7, SD Cal)
Attachments: 20200707143231699.pdf

Unfortunately, this was recorded 96 days prior to case filing. We could have sought a 547 avoidance if within 90 days!

Dave

From: Douglas Smith <douglassmithlaw@gmail.com>
Sent: Tuesday, July 7, 2020 11:29 AM
To: Gerald Davis <ghd@trusteedavis.com>
Subject: Re: Bankruptcy of Thomas Oliver (20-1053-LA7, SD Cal)

Dear Mr. Davis:

Attached is a copy of the recorded judgment.

If you need anything further, please let me know.

Sincerely,
Douglas Smith

On Tue, Jul 7, 2020 at 12:19 PM Gerald Davis <ghd@trusteedavis.com> wrote:

Dear Mr. Douglas:

In regard to your correspondence of March 4, 2020, I request a copy of the recorded judgment indicated in that correspondence. Thank you in advance for your prompt attention to this request.

Gerald H. Davis
Bankruptcy Trustee
Southern District of California
501 W. Broadway, Ste. A409
San Diego, CA 92101
(619) 400-9997

PLEASE NOTE ADDRESS CHANGE

--
Law Offices of Douglas H. Smith
140 Reservoir Avenue
Providence, RI 02907

Lodhi, Anisa (USTP)

From: Daryl Dayian <ddayian@carraradayian.com>
Sent: Tuesday, June 23, 2020 11:23 AM
To: Mihelic, Kristin T. (USTP)
Subject: RE: Thomas Oliver bankruptcy; Alyssa Parent

Please see the contact info for mr smith below.

Douglas H.Smith, Esq. ALYSSA PARENT d/b/a SUN DAYS Bj her Attorney, #2219
140 Reservoir Ave. Providence, RI 0290 (401) 467-3590
douglassmithlaw@gmail.com

From: Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov>
Sent: Monday, June 22, 2020 5:54 PM
To: Daryl Dayian <ddayian@carraradayian.com>
Subject: RE: Thomas Oliver bankruptcy; Alyssa Parent

Apologies for the delay in response.

I am free anytime tomorrow after noon your time. Thank you.

Kristin T. Mihelic
U.S. Department of Justice
Office of the U.S. Trustee
880 Front Street Suite 3230
San Diego, CA 92101
619-557-5013 x4803
Fax: 619-557-5339

From: Daryl Dayian <ddayian@carraradayian.com>
Sent: Friday, June 19, 2020 10:35 AM
To: Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@UST.DOJ.GOV>
Subject: RE: Thomas Oliver bankruptcy; Alyssa Parent

Monday afternoon looks open.
What time works with you considering the time difference

From: Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov>
Sent: Friday, June 19, 2020 1:16 PM
To: Daryl Dayian <ddayian@carraradayian.com>
Subject: RE: Thomas Oliver bankruptcy; Alyssa Parent

Is there a good time on Monday or Tuesday of next week? Thank you for responding.

UST 001775

Lodhi, Anisa (USTP)

From: Hillary Garland <hgarland@tangmaravelis.com>
Sent: Friday, June 19, 2020 8:11 AM
To: Mihelic, Kristin T. (USTP)
Subject: Re: Tom Oliver bankruptcy / Alyssa Parent

Kristin - there is also another attorney that has been working on this case according to the judicial records - Douglas Smith douglassmithlaw@gmail.com 401-467-3590.

Sincerely,

Hillary J. Garland, Esq.

TANG & MARAVELIS, P.C.
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Massachusetts | Connecticut | Rhode Island | New Hampshire | Maine

On Thu, Jun 18, 2020 at 9:06 PM Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov> wrote:

Thank you.

Kristin T. Mihelic

U.S. Department of Justice

Office of the U.S. Trustee

880 Front Street Suite 3230

San Diego, CA 92101

Curtin, Dave

From: Nelson Brinckerhoff <nelsonbrinckerhoff@gmail.com>
Sent: Friday, December 11, 2020 10:11 AM
To: Curtin, Dave
Subject: T. Oliver

I am responding to Mr Oliver's disciplinary complaint. Mr Oliver called me and told me that he had a Superior court motion. He didn't tell me very much about the case. I had to investigate his Massachusetts case, the status of his real estate holding in Rhode island, the running of the statute of limitations, the procedures for the enforcement of foreign judgments, and his bankruptcy in California. I talked with the Rhode Island lawyer enforcing the Massachusetts judgment and he informed me that Mr Oliver had allegedly threatened the US trustee in bankruptcy in California and that he faces potential fraud and other criminal charges pursuant to his bankruptcy filing. His motion could not have gone forward because of his bankruptcy filing, the automatic stay. I also found that Mr Oliver did not get the his purported RI deed notarized until very recently, even though he alleges he signed it many years ago and that he never recorded it and has at all times retained all of the rents from that property, in effect arguably never actually transferring the property.

After fully investigating the many and varied issues, I recommended to Mr Oliver, as attached to his complaint, that he pay the judgment or settle it and then sell the condo and walk away with the remaining equity which would put him far ahead of where he would be if he continued to ostrich-like refuse to accept the status of the collection case against him into a sheriff's sale.

I have spent well over 10 hours at $200 an hour which was the agreed rate in researching all of the many issues involved and in corresponding with Mr Oliver and recommending what he should do.

That was my advice and he refused to follow it. There's nothing more that I can do. He got good value for the fee he paid me. My job is not to whisper sweet nothings into my client's ears, my job is to advise them to the best of my ability what is in their best interest.

With respect to any deposition, Criminal mentions that Petitioner did not appear on February 12, 2021, but she conveniently leaves out the fact that he was fully prepared to attend a "deposition to be held virtual" as per court order of April 2, 2021, and scheduled for April 19, 2021, which she declined to conduct, despite the order, "The deposition to be held *virtual* in the [c]ourt [r]eporter office on 4/19/21 at 10:00 a.m.," mandating it (emphasis added). See docket number 141. After several emails beginning on April 16, 2021, some of which Criminal failed to answer, Petitioner abandoned the remote/virtual deposition on April 19, 2021, after waiting patiently at his computer until noon for instructions about how to participate. See docket number 154 and exhibit "B." Petitioner's questions were reasonable and should have been answered according to court order: "By 5/1/21 Mr. Oliver may ask any reasonable request in good faith." See docket number 141. Criminal thus violated this order for at least the second time. She also lied multiple times in just the one relevant email thread. For instance, she said, "There are two orders compelling your attendance at the court reporter's office for your deposition" (emphasis added). Petitioner read the second court order multiple times. It makes no mention of him—or Criminal for that matter—being physically there. See docket number 141.

One of the reasons Petitioner did not appear on February 12, 2021, was that Chief Judge Order number 18-A was in effect. This has already been discussed in previous pleadings. See, for example, docket number 118. He also told Criminal in a response to her email on February 12, 2021, why he did not appear, so her claim that he did not "explain his failure to appear" is another lie.

3. Nonsense in this provision has already been addressed above.

4. Criminal states that Petitioner "failed to appear for a scheduled pre-trial conference on June 3, 2021." Apparently, she is using the same time warp alluded to in docket number 119. Petitioner now notes that this court has allowed oral motions from Criminal at least twice but refuses them, or certainly oral oppositions to motions, from Petitioner as Judge Adler stated in one of the earlier conferences. This is yet again blatant bias and will be recorded in his appeal to the Bankruptcy Appellate Panel (hereinafter "BAP").

5. Criminal claims, "A copy of the [r]equests for [a]dmission and [c]ertificate of [s]ervice is attached hereto as 'Exhibit A.' " As of today's date, no "Exhibit A" is associated with any document filed into this case on May 25, 2021. Furthermore, one of the dates Criminal reports here is incorrect. She dated her requests January 28, 2021, not the 29th. See exhibit "A." She also misquotes Petitioner. He said "except *depositions and* requests

for admissions." See docket number 118. Criminal states that Petitioner "filed on March 3, 2021 (Docket No. 117)," but in provision 2 of a prior motion, she says, "The [d]efendant filed his [o]bjection to the [m]otion on March 4, 2021 (Docket No. 118). The [d]efendant's filing was one day late." See docket number 123. Both cannot be true, so one of them proves a fresh new lie. The remainder of this provision has already been addressed above.

Since Criminal makes statements in her "declaration" "under penalty of perjury" and it is replete with incorrect dates and untruths and it contains a clear contradiction, she has committed this crime on the record *a minimum* of two times now.

Criminal above is Mihelic.

you have a fraudulent judgment --

A Yeah.

Q -- but you don't have access to that judgment?

A No. I --

Q (Indiscernible)?

A I can't -- yeah, it was never served to me. And that's the whole basis for this Chapter 7 in the first place. I've been fighting these criminals for 20 years.

Q Okay.

A And -- and this apparently -- and I found out about this when I was trying to record the deed, after my attorney advised me that I should, and that's when I found out about this whole case in Rhode Island, which is why I filed the Chapter 7 --

Q I see.

A -- back in the beginning -- the beginning of the year. And then I can't --

Q And so what --

A -- access -- I -- yeah. I can't access the -- the filings online. All I can see is that something was filed. So and --

Q And what is the --

A -- I was never served any of this.

Q Yeah. So what is your understanding of the basis for what you're calling the fraudulent judgment?

A It was -- it was actually a case back in the early to mid-2000s that I filed in the People's Republic of Massachusetts against a set of criminals for nonpayment of work I did in the amount of about $5,000. They didn't pay for approximately seven or eight years. I filed a motion for, a default motion -- a motion for default judgment in the amount of about 33,000*, which I was awarded.

And some phone calls were made behind the scenes, that they don't think I know about, things were rearranged, meetings were held when I wasn't there; and all of a sudden that default judgment was ripped out of my hands and placed in the defendant's hands for about the same amount --

Q Okay.

A -- almost to the dollar. So that was then filed --

Q Okay.

A -- apparently in Rhode Island.

Q Okay. And --

A There was crimes committed. I mean, I could -- I could spend -- conspiracy to commit fraud, perjury, obstruction of justice. I mean, the list is

and following

*From memory, I reported $33,000, but this was the approximate amount of the lawsuit. The default judgment was for $11,271.53.

-- I mean, federal crimes. This particular person, if he hasn't already contacted the DOJ, was connected with Scott Brown, former U.S. Senator. So --

Q All right.

A -- a lot of --

Q So what -- what's the --

A -- corruption here.

Q Sir, sir, let -- let -- let's --

A Yeah.

Q -- break this down so I understand what you're talking about, okay? You -- you filed a lawsuit against some criminals for work --

A Yeah.

Q -- that you did. Who -- who are the criminals, just in rough terms, that you're talking about?

A That's -- that's who was listed as the quote-unquote creditor on my filing with the --

Q Okay. Who -- so tell me --

A -- courts. It's Sunday -- Sunday --

Q -- with a little -- yeah.

A Yeah.

Q Who is --

A Yeah, Sundays Tanning, Inc., or Sundays Tanning, Et Cetera.

Q Okay. Sundays Tanning?
A Yeah.
Q Okay. And so you filed this lawsuit, something went on behind the scene, and now they're pursuing you with a fraudulent judgment. Is -- is that right?
A Yeah. It -- it's filed as a foreign fraudulent judgment in Rhode Island apparently.
Q And why do you say it's fraudulent?
A Well, usually ~~with~~ when you rip some~~thing~~, money out of somebody's hands and commit all these crimes in order to get a judgment in your favor, that's -- I would consider that fraud, if not outright crime, since it was a crime. So originally, I was given 30-something-thousand dollars, which was the correct judgment. And then, you know, when you're holding meeting that -- that the defendant strictly can't attend or not telling the defendant that you're holding meetings and violating court Rules of Procedure and violating state criminal statutes, that's -- that's fraud.
Q Okay. And so if I'm understanding this correctly, you filed this bankruptcy in order to stop somebody from collecting a fraudulent judgment against you?

A Right, against -- specifically against the property I used to own in Rhode Island, which I no longer own since 2014. And that's why I filed it. They're actually trying to take property that doesn't even belong to me.

not true especially from 2014

Q Well, if you owned property that no longer belongs to you, that property is required to be disclosed on your bankruptcy papers. So --

A Yeah, I bet you --

Q -- you might want --

A -- it is.

Q Well, okay. This property in Rhode Island, is -- is that the only property that you have owned and transferred since, like let's say, 2010, or are there more properties?

A 2010, no, that should be it.

Q And the property --

A So --

Q -- that -- that we're talking about was located in Kingston, Rhode Island?

A No. I -- I don't know where that comes from. It's not in Kingston.

Q Well, where was it?

A It's in Wakefield.

Q Wakefield, okay. And you transferred that to

Q Does it have a unit number?
A I don't know. Maybe.
Q Did you ever live there?
A Yes, I used to live there.
Q And you don't know if it has a unit number --
A It -- it might.
Q -- or an address?
A Well, I know the address. I can give you the address.
Q And why did you wait until February 2020 to record the deed to your mother?
A Because I had made a conversation -- I had a conversation with my attorney, who said that it would probably be best to record it for extra security. And upon recording it in the beginning of this year, I noticed there was a fraudulent court judgment against it, which is why I followed this whole bankruptcy to begin with, to prevent criminals from stealing what I used to own.
Q Okay. And the fraudulent judgment you're referring to is the judgment involving Alyssa Parent; is that correct?
A Yes.
Q Okay. And is that why the dispute that Ms. Parent was pursuing you for, is that the reason

mentioned.

TRUSTEE DAVIS: Okay. Look -- look over everything you have, and I would suggest also that you consider going down to the Bankruptcy Court and reviewing the actual file that's there in the court so that you can make sure that everything that you've sent is in there.

MR. OLIVER: All right.

TRUSTEE DAVIS: Okay? Okay. Well, I'm going to go ahead and conclude the creditor meeting, classify this as a case that's still being investigated. And if we need anything further, we'll go to what's called a Rule 2004 Examination. It's -- it's like a deposition. And I'll leave that to Ms. Mihelic as to whether or not that -- that's going to be required. I thank you, sir. I wish you good luck. And we'll see where this case progresses.

MR. OLIVER: I think I have -- have to say one last thing regarding the Rocky Brook lien that you found, keep in mind once again, this is a fraudulent case, which is the whole reason, I should not be filing this Chapter 7 whatsoever, and the only reason I'm doing so is because of some criminals in the court system, outside the court system, which prompted the writing this book, (indiscernible) by Dr. Ron Paul.

with forward

There's no reason that any -- any three of us should be here today. And this is all the fault -- strictly 100 percent the fault of the legal system in the United States.

TRUSTEE DAVIS: Well --

MR. OLIVER: Which I've become disenfranchised with. Let me --

TRUSTEE DAVIS: Well --

MR. OLIVER: -- just leave it at that.

TRUSTEE DAVIS: -- I appreciate --

MS. MIHELIC: And, Mr. Oliver, just to clarify, when you talk about the criminals outside the court system, are you referring to Ms. Alyssa Parent and her lawyers?

MR. OLIVER: Yeah. I'm referring to --

MS. MIHELIC: Okay.

MR. OLIVER: I'm referring to judges that have also committed crimes, all the way up to the Supreme Court in Massachusetts. And I mentioned this already, I called the Department of Justice for 30 days straight in 2018 in December, and nobody lifted a toxic finger to remedy this situation. Nobody brought these criminals to justice. Nobody prosecuted them. Nobody did a damn thing. And you -- you probably both know I'm pissed, and I'm still pissed. So I'll just leave

COURT, SUCH AS THE DISTRICT COURT, WHICH IS WHERE THESE THINGS GO.

MR. OLIVER, I THINK YOU'RE GOING TO FIND -- ARE YOU A LAWYER, MR. OLIVER?

MR. OLIVER: I'M *PRO SE*.

THE COURT: ARE YOU PERSONALLY -- ARE YOU EDUCATED AS A LAWYER?

MR. OLIVER: I GUESS YOU COULD SAY THAT. BUT I DON'T HAVE FORMAL TRAINING, NO.

THE COURT: SO YOU DIDN'T GO TO LAW SCHOOL; YOU WERE JUST KIND OF INTERESTED IN IT? BECAUSE I MUST TELL YOU, YOU HAVE A ~~FAIRLY UNIQUE~~ (VERY ELITE) UNDERSTANDING OF *STERN V. MARSHALL*, AND I THINK THAT IF YOU SPECIFICALLY LOOKED AT 727, WHICH IS CONSIDERED A CORE MATTER IN WHICH BANKRUPTCY COURTS DO ENTER FINAL JUDGMENT, IT'S NOT -- YOU WILL FIND THAT *STERN V. MARSHALL* DOESN'T REALLY SPEAK TO THIS. IT MAY BE DIFFERENT FOR THE TRANSFEREE TO HAVE A FRAUDULENT CONVEYANCE, BUT NOT FOR SOMEBODY WHO ACTUALLY WOULD BE PRECIPITATING PERSON TO TRANSFER IT AND IS A DEBTOR IN BANKRUPTCY. SO, I MEAN, IF YOU GET LEGAL COUNSEL, THAT PERSON CAN ADVISE YOU, BUT MY TAKE ON YOUR POSITION IS THAT YOU ARE MISUNDERSTANDING THE HOLDING OF *STERN V. MARSHALL*, BUT YOU ARE ENTITLED TO YOUR OPINION.

SO WITH THAT, MS. MIHELIC, HOW LONG -- YOU HAVE A DISCOVERY CUTOFF ESTIMATED OF -- LET ME SEE -- JANUARY 15; IS THAT CORRECT?

MS. MIHELIC: YES, YOUR HONOR. AND I DON'T BELIEVE THAT THAT AMOUNT OF TIME WOULD NECESSARILY BE NEEDED, BUT IN

Like all of the transcripts, this one was not transcribed 100% correctly.

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THE CLERK: IN THE MATTER OF THE UNITED STATES TRUSTEE V. THOMAS OLIVER ON A MOTION TO RECUSE.

MR. OLIVER, CAN YOU GIVE YOUR APPEARANCE, PLEASE.

MR. OLIVER: YES, I AM HERE.

THE CLERK: THE U.S. TRUSTEE'S OFFICE, CAN YOU GIVE AN APPEARANCE.

MS. MIHELIC: GOOD AFTERNOON, YOUR HONOR.

KRISTIN MIHELIC REPRESENTING THE UNITED STATES TRUSTEE.

THE COURT: OKAY. MR. OLIVER, THIS IS YOUR MOTION. DO YOU WANT TO BE HEARD FURTHER OVER WHAT YOUR PLEADINGS SAY?

MR. OLIVER: WELL, I GUESS MOST OF EVERYTHING I LAID OUT IN THE MOTION REGARDING FEE WAIVERS BEING GRANTED, I BELIEVE THE SUBPOENA, THE RULING BEING KIND OF ONE WAY, COMMENTS MADE BY YOU IN CERTAIN RULINGS -- TENTATIVE RULINGS. THAT'S PRETTY MUCH ALL THERE.

YOU KNOW, IT'S BEEN -- ONE THING THAT'S NOT IN THE MOTION -- IT'S BEEN LIE AFTER LIE AFTER LIE FROM THE DEPARTMENT OF INJUSTICE. THEY'VE COMMITTED SEVERAL CRIMES: PERJURY, FRAUD, ~~MISREPRESENTING A FELONY~~ (MISPRISION OF FELONY) -- I HAVE PROOF OF THIS -- POSSIBLY CONSPIRACY. AND ACCORDING TO THE FEDERAL RULES OF JUDICIAL OVERSIGHT, WHEN THAT'S REPORTED, IT'S SUPPOSED TO BE INVESTIGATED. YOU HAVEN'T DONE THAT.

SO, YOU KNOW, THE ONLY REASON THE DEPARTMENT OF

Like all of the transcripts, this one was not transcribed 100% correctly.

INJUSTICE DIDN'T OPPOSE THIS PARTICULAR MOTION IS THAT THEY PROBABLY -- THEY PROBABLY THOUGHT THEY'D LOOK AWFULLY FOOLISH PUSHING TO KEEP A JUDGE THAT THEY FAVORED. SO, YOU KNOW, I WILL APPEAL IF I'M FORCED TO. I'M JUST ASKING FOR JUSTICE IN THE CASE. IT'S BEEN 20 YEARS. I'D LIKE TO SEE JUSTICE JUST ONCE. SO THAT'S PRETTY MUCH WHAT I HAVE TO SAY.

THE COURT: ALL RIGHT.

MS. MIHELIC, I TAKE IT IN THIS ONE YOU'RE JUST AN OBSERVER.

MS. MIHELIC: THAT'S CORRECT, YOUR HONOR.

THE COURT: ALL RIGHT. MR. OLIVER, I AM GOING TO GIVE YOU A RULING, BUT IT'S GOING TO BE IN WRITING BECAUSE THE SUBJECT IS COMPLICATED AND I CAN'T DISCUSS IT AT ANY LENGTH RIGHT NOW. SO YOU'LL HAVE TO FORGIVE MY IMPAIRMENT HERE FOR THE TIME BEING. I'M HOPING IT'S ONLY TEMPORARY.

ANYWAY, YOU WILL BE GETTING A RULING FROM US PROBABLY WITHIN THE WEEK.

MR. OLIVER: ALL RIGHT.

THE COURT: IF YOU CHANGE YOUR ADDRESS, YOU NEED TO LET US KNOW. ALL RIGHT?

MR. OLIVER: ALL RIGHT.

THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

~~MR. OLIVER: THANK YOU.~~

MS. MIHELIC: THANK YOU, YOUR HONOR.

-o0o-

Like all of the transcripts, this one was not transcribed 100% correctly.

QUESTION. DID YOU GET A CALL FROM MICHAUD, ~~YOUR~~ (OR DID JUST YOUR...) FRIENDS AT THE DEPARTMENT OF ~~JUSTICE~~ (INJUSTICE)? I'D LIKE TO KNOW.

THE COURT: WHO?

MR. OLIVER: JOSEPH MICHAUD.

THE COURT: I DON'T EVEN KNOW WHO THAT IS, SO -- IF THAT ANSWERS YOUR QUESTION, MR. OLIVER. I DON'T KNOW WHO YOU'RE TALKING ABOUT.

MR. OLIVER: ALL RIGHT.

THE COURT: GO AHEAD. YOUR ARGUMENT DIRECTED TO THE DISCOVERY DEADLINES, PLEASE.

MR. OLIVER: YEAH. THE WRITING STYLE IN YOUR MOTION, BY THE WAY, LOOKS REMARKABLY SIMILAR TO MIHELIC'S, BUT BE THAT AS IT MAY --

THE COURT: MAYBE SHE LEARNED FROM SOMEBODY WHO'S BEEN DOING THIS FOR A LOT MANY MORE YEARS THAN SHE HAS, SO LET'S LEAVE IT AT THAT.

MR. OLIVER: YEAH. SO ESSENTIALLY, YOU KNOW, WHAT WE HAVE IS A DUPLICATE OF WHAT HAPPENED IN THE PEOPLE'S REPUBLIC OF MASSACHUSETTS, YOU KNOW, THE IGNORING AND MANUFACTURING EVIDENCE, THE PERJURY, THE FRAUD, CONSPIRACY TO COMMIT FRAUD, SADLY (INAUDIBLE) FELONIES AND OTHER CRIMES, AND ORDERS BEING ISSUED AGAINST RULES --

THE REPORTER: EXCUSE ME. YOUR HONOR?

HI, MR. OLIVER. COULD YOU SLOW DOWN, PLEASE.

THE COURT: IS THIS THE COURT REPORTER?

Like all of the transcripts, this one was not transcribed 100% correctly.

UNDER THE CIRCUMSTANCES, THE COURT MOST LIKELY DID NOT INTEND FOR THE LITIGATION TO START OVER AGAIN -- OR ATTEMPT TO START OVER AGAIN; AND THEREFORE I WOULD SUGGEST AND REQUEST THAT ANY ORDER THAT'S ENTERED ON THIS MOTION FOR SANCTIONS ALSO STRIKE THAT MOTION TO DISMISS AND REMOVE IT FROM CALENDAR.

THANK YOU, YOUR HONOR.

THE COURT: THANK YOU.

IS IT SET FOR CALENDAR, MS. MIHELIC?

MS. MIHELIC: I DID RECEIVE A NOTICE OF -- OF HEARING THAT HAS BEEN FILED, SETTING THE MOTION TO DISMISS FOR AUGUST 5 AT 2:00 P.M., YOUR HONOR.

THE COURT: ALL RIGHT. THANK YOU.

I WILL TAKE A LOOK AT THE -- AT THE MATTER AND SEE WHETHER OR NOT THEY ARE CO-EXTENSIVE. AND IF THEY ARE, I WILL BE VACATING THE HEARING DATE.

MS. MIHELIC: THANK YOU, YOUR HONOR.

THE COURT: OKAY. MR. OLIVER, I WAS UNAWARE, ~~YOU'VE~~ (I SEE YOU'VE) BEEN BUSY ~~FILING~~ (WRITING ANOTHER MOTION) ANOTHER ~~COMPLAINT~~, SO I WILL TAKE A LOOK AT THAT ONE AS WELL. BUT AS TO THE -- THE MOTION THAT IS BEFORE ME TODAY, THE COURT HAS ENTERED A TENTATIVE RULING WHICH IS, AS YOU KNOW, RATHER EXTENSIVE IN DISCUSSING THE REASONS WHY THE COURT IS ENTERING A TERMINATING SANCTION AGAINST YOU BY STRIKING YOUR ANSWER. AND I AM GOING

Like all of the transcripts, this one was not transcribed 100% correctly.

Thomas Oliver
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

THOMAS OLIVER, Plaintiff v. KRISTIN TAVIA MIHELIC, TIFFANY LOUISE CARROLL, and LOUISE DECARL ADLER, Defendants	CASE NO. 37-2021-00037057-CU-NP-CTL JURY TRIAL DEMANDED **COMPLAINT FOR TORTIOUS CONDUCT (AMENDED WITH DEFENDANT NAMES)** Judge Katherine Bacal Department C-69

Pursuant to CA Civ. Code § 1710, CA Civ. Code § 3333, CA BPC § 6068, CA Pen. Code § 115, CA Pen. Code § 118, CA Pen. Code § 134, CA Pen. Code § 135, CA Pen. Code § 523, 42 U.S.C. § 1983, the Constitution of California, and the U.S. Constitution, Plaintiff brings this complaint against the defendants as a result of their tortious and criminal acts committed on many dates, the first of which was after February 28, 2020. "Defendant" will mean both the singular and the plural in this complaint.

JURISDICTION OF THE COURT

This court has subject matter jurisdiction under CA CCP § 395. This court has personal jurisdiction because Plaintiff and Defendants are residents of San Diego County. Venue is proper according to CA CCP § 395.

STATEMENT OF THE FACTS

Defendant has ignored rules of procedure, the code of conduct, the law, and the U.S. Constitution and has committed crimes against Plaintiff in a separate action proceeding in another court (hereinafter "separate action"). Defendant's misconduct in the separate action has caused financial and psychological injury to

Plaintiff. As such, Defendant is liable for both compensatory and punitive damages.

COUNT ONE: PERJURY

1. Defendant has not been truthful in the separate action. Indeed, Defendant has withheld evidence, lied well in excess of thirty times, and perjured herself *at least* twice. The date Defendant first began these acts was after February 28, 2020.

2. On December 9, 2020, in the separate action, Defendant committed at least one known count of perjury when she stated that "no such documents exist" in her response to request number eleven in Plaintiff's request for production of documents, "Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him," but inadvertently provided proof that such documents *do* exist in a stack of more than 500 pages of photocopied email transmissions.

3. On March 9, 2021, in the separate action, Defendant committed perjury in an *ex parte* motion. She stated, "The [d]efendant filed his [o]bjection to the [m]otion on March 4, 2021 (Docket No. 118). The [d]efendant's filing was one day late." The objection in question was filed on March 3, 2021, and within the deadline, not on March 4, 2021, as she falsely claims. An amended copy was filed on March 4, 2021, per the clerk's direction because there was a $10 discrepancy in the original. On May 25, 2021, Defendant contradicted herself when she stated in a declaration in the separate action that the same objection was filed "on March 3, 2021 (Docket No. 117)." In that declaration, she says, "A copy of the [r]equests for [a]dmission and [c]ertificate of [s]ervice is attached hereto as 'Exhibit A.' " As of June 1, 2021, no "Exhibit A" was associated with any document filed into the separate action on May 25, 2021. Furthermore, the dates she reports are almost all incorrect. For example, she dated her requests January 28, 2021, not the 29th and accuses Plaintiff of missing a hearing on the *future* date of June 3, 2021. Moreover, no hearing was held on June 3, 2021, for the separate action. Since her "declaration" was signed "under

penalty of perjury" and was replete with incorrect dates and untruthful statements and a contained a clear contradiction, she committed perjury yet again.

4. Defendant's acts in the separate action have caused sanctions to be fraudulently levied against Plaintiff in the amount of $5,781.55 ($2,199.00 on January 4, 2021, and $3,582.55 on January 25, 2021) and a fraudulent judgment to be issued against him on August 4, 2021.

5. As a result of Defendant's tortious and criminal acts in the separate action, Plaintiff has suffered actual damages of $5,781.55.

COUNT TWO: VIOLATION OF CONSTITUTIONAL RIGHTS

6. Plaintiff incorporates by reference the allegations in paragraphs one through five.

7. In the separate action, Defendant has intentionally ignored the rules of procedure, the rules of conduct, the law, and the U.S. Constitution—specifically the Due Process Clause of the Fifth Amendment and the Assistance of Counsel Clause of the Sixth Amendment—and has committed crimes against Plaintiff. The date Defendant first began these acts was after February 28, 2020.

8. On April 3, 2020, Plaintiff paid a $335 filing fee in the separate action when he shouldn't have because he is indigent but was coerced to pay the fee as a result of Defendant's actions, which is a violation of his right to Due Process under the Fifth Amendment of the U.S. Constitution.

9. On several occasions in the separate action and in violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution, Plaintiff's motions were blocked due to Defendant's actions. Relevant motions were filed on October 26, 2020; February 9, 2021 (two on this date); February 13, 2021; and June 23, 2021. Oral oppositions to motions were given by Plaintiff on January 14, 2021, and other dates but also blocked due to Defendant's actions—in violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

10. On several unknown dates after February 28, 2020, Plaintiff's filings in the separate action were

not read by the court due to Defendant's actions. This is also a violation of the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

11. On March 29, 2021, Plaintiff was denied appointment of counsel due to Defendant's actions. This is a violation of the Assistance of Counsel Clause of the Sixth Amendment.

12. As a result of Defendant's tortious and criminal acts in the separate action, Plaintiff has suffered actual damages of $335.00.

COUNT THREE: FALSIFYING JUDICIAL AND PUBLIC RECORDS AND DOCUMENTS

13. Plaintiff incorporates by reference the allegations in paragraphs one through twelve.

14. On March 29, 2021, Defendant lodged a falsified document into the court record of the separate action. This document wrongly stated that "evidence [Plaintiff] attaches in support (an email chain) has been altered to make it appear that he offered deposition times beginning at 10:00 AM." Plaintiff has not altered evidence in the separate action.

15. On March 30, 2021, Defendant lodged a falsified document into the court record of the separate action. This particular document stated that Plaintiff "only request[ed] 'an accounting of the dates, times, and lengths of ***calls*** made to and received from'" a certain party but leaves out nine crucial words of Plaintiff, "and of any other communication from or to him," which could have been done in an attempt to cover up Defendant's crime of perjury. Her statement was made regarding two individuals, Douglas H. Smith and Joseph L. Michaud. To Plaintiff's recollection, other docket entries and documents have been similarly falsified by Defendant.

COUNT FOUR: FALSIFYING EVIDENCE

16. Plaintiff incorporates by reference the allegations in paragraphs one through fifteen.

17. On December 9, 2020, Defendant untruthfully stated that "no such documents exist" in her response to request number eleven in Plaintiff's request for production of documents in the

separate action: "Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him." However, she inadvertently provided proof that such documents *do* exist in a stack of more than 500 pages of photocopied email transmissions.

18. In the separate action, Defendant untruthfully stated in her motion dated February 17, 2021, that Plaintiff "failed to provide a reasonable time when his deposition could be conducted" and "Despite numerous requests.....that [Plaintiff] identify dates where he could start the deposition during normal business hours, [he] refused to do so."

19. In the separate action, Defendant untruthfully stated in her motion filed on March 1, 2021, "Now in his [m]otion filed nine months after the commencement of the lawsuit," but Plaintiff's motion was filed less than six and one-half months afterward. Provisions in this fourth count are merely three examples. *Many* more exist.

COUNT FIVE: ACTUAL FRAUD/CONCEALMENT

20. Plaintiff incorporates by reference the allegations in paragraphs one through nineteen.

21. On December 9, 2020, Defendant untruthfully stated that "no such documents exist" in her response to request number ten in Plaintiff's request for production of documents in the separate action: "Provide an accounting of the dates, times, and lengths of calls made to and received from Joseph L. Michaud and of any other communication from or to him." Defendant has refused to supply any of this information.

22. On December 9, 2020, Defendant untruthfully stated that "no such documents exist" in her response to request number eleven in Plaintiff's request for production of documents in the separate action: "Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him." Defendant has refused to supply all of this information.

COUNT SIX: LOST EARNING CAPACITY

23. Plaintiff incorporates by reference the allegations in paragraphs one through twenty-two.

24. The tortious and criminal acts of Defendant commencing after February 28, 2020, in the separate action have resulted in a fraudulent judgment being issued against Plaintiff on August 4, 2021. This has caused him to suffer the imminent loss of $1.7 million in future income and property asset value since a property he manages is now in jeopardy of being stolen thus cutting his income stream from it, reducing his total income—which is already around the poverty level—by approximately 40 percent, and pushing him closer towards extreme poverty.

COUNT SEVEN: INTENTIONAL INFLICTION OF EMOTIONAL/FINANCIAL DISTRESS

25. Plaintiff incorporates by reference the allegations in paragraphs one through twenty-four.

26. Defendant has intentionally inflicted emotional and financial distress upon Plaintiff as a result of her tortious and criminal acts in the separate action, and Plaintiff has suffered a great deal. The date Defendant first began these acts was after February 28, 2020. Thus far, Plaintiff has had to spend approximately 500 painstaking hours on the separate action—built upon a baseless complaint—because of Defendant's actions.

27. Plaintiff has been attacked repeatedly by Defendant and various associates of the separate action, and although he has filed complaints with several oversight agencies, he has received no assistance, which has further added to his stress levels. Additionally, he has been in fear for his life and under tremendous emotional and financial distress due to the impending loss of a significant portion of his income because of Defendant's tortious and criminal acts. The date Defendant first began these acts was after February 28, 2020.

28. Plaintiff made Defendant aware that her complaint in the separate action was baseless. Plaintiff also informed Defendant during a phone conference on January 14, 2021; again on March 18, 2021; and once again on April 1, 2021, of Defendant's *repeated* lying and criminal acts, such as

perjury, fraud, misprision of felony, and possibly conspiracy to commit fraud—all of which went ignored.

29. Defendant makes more than $500,000.00 per year and is *known* to own properties worth well over $4,000,000.00, but quite likely has assets that exceed $5,000,000.00. As such, punitive damages of less than six figures will not be appropriate since the financial impact upon Defendant will be insignificant.

DEMAND FOR JUDGMENT

WHEREFORE, Plaintiff demands judgment against Defendant in the principal amount of $6,116.55 in compensatory damages and interest in the amount of 7 percent per annum from March 1, 2020, to present per the California Constitution, Article 15, section 1; an additional judgment in the principal amount of $1,700,000.00 in compensatory damages; and an additional judgment of $500,000.00 in punitive damages; together with court costs, fees, and any other relief or compensation deemed appropriate.

DEMAND FOR JURY TRIAL

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

September 14, 2021

Thomas Oliver, *pro se*
3070 Bristol Street, Suite 660
Costa Mesa, CA 92626
401-835-3035
tomscotto@gmail.com

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

SUPPLEMENTAL APPENDIX

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

Minute Order

(continue).. **20-01053-LA7** **THURSDAY, APRIL 01, 2021 02:00 PM**

Disposition:

1) Hearing continued to 4/29/21 at 2:00.

2) Hearing continued to 4/29/21 at 2:00, The discovery deadlines for the UST is extended to 5/1/21 per the tentative ruling. The deposition to be held virtual in the Court Reporter office on 4/19/21 at 10:00 a.m.

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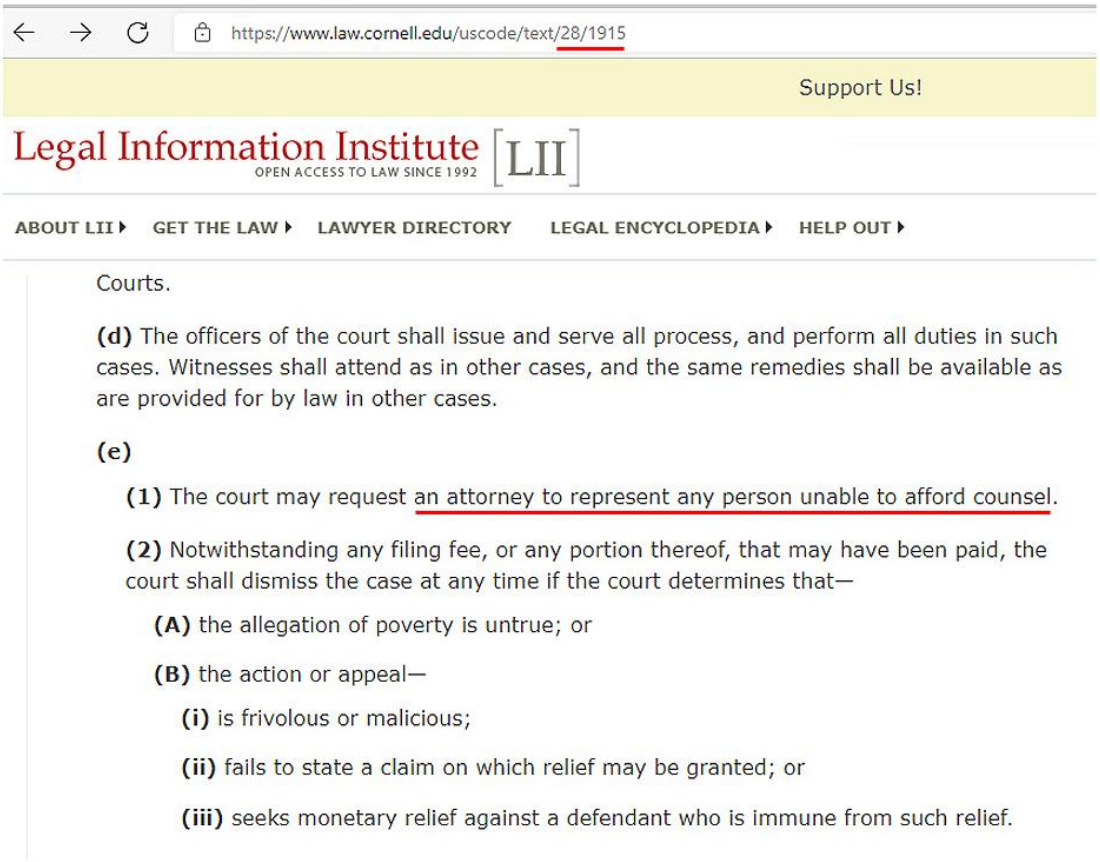
non-attorney friend in the room; and ordered Oliver to appear for his virtual deposition "in the Court Reporter Office on 4/19/2021 at 10:00 a.m." with the U.S. Trustee deposing him remotely ("Third Compel Order"). [ECF No. 141 (Minute

---

Order); *see also* ECF No. 134 (Tentative Ruling for this hearing detailing Oliver's ongoing refusal to cooperate and non-compliance with the Court's prior Sanctions and Compel Orders)]

Notice that the wording "The deposition to be held virtual" has been omitted from document 191, which is a ruling/order by the court. This is another feeble attempt to hide in plain sight the fact that the second deposition should have been conducted virtually for both parties, as opposed to the first scheduled deposition, which stated that I was to appear in person.



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Courts.

(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(e)

(1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(A) the allegation of poverty is untrue; or

(B) the action or appeal—

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

Defendant here requests court-appointed counsel for these adversary and bankruptcy proceedings pursuant to the Fifth Amendment and 28 U.S.C. § 1951(e)(1). Sec. 1951(e)(1) is not relevant here as it relates only to prisoners, which Defendant is clearly not. As such, the Court considers application of the Fifth and Sixth Amendments.

There is no such law 28 U.S. Code § 1951, but for this exhibit, I believe Judge Adler meant 28 U.S. Code § 1915(e)(1) . While its earlier sections apply to prisoners, section (e) does not, so her statement in document no. 134, page 4, with respect to my request for court-appointed counsel, "Sec. 1951(e)(1) [*sic*] is not relevant here as it relates only to prisoners," is yet another lie. *Jackson v. Park Place Condominium Association*, No 13-2626-CM is one of many civil cases wherein an indigent non-prisoner litigant moved for appointment of counsel.

affirming the Tentative Ruling at ECF 78]

- First Sanctions Order for $2,199.00 at ECF 72
- Lodged Order Extending Discovery Deadlines at ECF 83
- Lodged Order Compelling Discovery Responses; Setting Defendant's Deposition for Feb. 12, 2021 & Approving Second Sanctions ($3,582.55) at ECF 89

To date, Defendant is not in compliance with the Sanctions Orders, nor has Defendant provided full and complete responses to UST's written discovery requests. Defendant did not appear for deposition on Feb. 12, 2021 and did not communicate or explain the failure to appear.

Defendant's Opposition rehashes arguments re: discovery that he previously raised and lost, completely ignoring that the Court has already entered an Order compelling Defendant to provide written discovery and appear for a deposition [ECF 89].

Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov> Fri, Feb 12, 2:12 PM

to me

Dear Mr. Oliver,

I didn't hear from you with respect to my February 10 email (see below) and you did not appear for your deposition today, which was conducted pursuant to Court order. I emailed you at approximately 9:10 am, and we waited on the record for your appearance until approximately 9:20 am. Absent a compelling explanation for your failure to communicate and appear for your deposition, I will file a motion for sanctions, which might include a request that the Court strike your Answer to the Complaint.

...

Tom <tomscotto@gmail.com> Sat, Feb 13, 3:39 PM

to Kristin

read my latest motion.

Criminal failed to answer, Petitioner abandoned the remote/virtual deposition on April 19, 2021, after waiting patiently at his computer until noon for instructions about how to participate. See docket number 154 and exhibit "B." Petitioner's questions were reasonable and should have been answered according to court order: "By 5/1/21 Mr. Oliver may ask any reasonable request in good faith." See docket number 141. Criminal thus violated this order for at least the second time. She also lied multiple times in just the one relevant email thread. For instance, she said, "There are two orders compelling your attendance at the court reporter's office for your deposition" (emphasis added). Petitioner read the second court order multiple times. It makes no mention of him—or Criminal for that matter—being physically there. See docket number 141.

One of the reasons Petitioner did not appear on February 12, 2021, was that Chief Judge Order number 18-A was in effect. This has already been discussed in previous pleadings. See, for example, docket number 118. He also told Criminal in a response to her email on February 12, 2021, why he did not appear, so her claim that he did not "explain his failure to appear" is another lie.

3. Nonsense in this provision has already been addressed above.

In document no. 134, page 2, Judge Adler stated that I "did not communicate or explain the failure to appear" for the first deposition. The lower two sections above are from emails on 2-12-21/2-13-21 and page 3 of my OBJECTION TO "PLAINTIFF UNITED STATES TRUSTEE'S MOTION FOR SANCTIONS PURSUANT TO FED. R. BANKR. P. 7037(b)(2) AND 7037(d)(1) OR IN THE ALTERNATIVE, FOR A FINDING OF CONTEMPT OF COURT PURSUANT TO FED. R. BANKR. P. 7037(b)(1)," respectively. My objection clearly explains one of the reasons I did not appear for the deposition. See also document no. 186. Criminal above is Mihelic.

Case 20-90093-LA Filed 03/29/21 Entered 03/29/21 15:25:02 Doc 134 Pg. 1 of 6

On September 24, 2020, the Court conducted the pre-trial status conference and ordered compliance with all deadlines set forth in the Certificate of Compliance, including a discovery cut-off and supplemental disclosures deadline of January 15, 2021. [ECF 25] Defendant failed to comply with initial disclosure obligations in violation

Case 20-90093-LA Filed 03/29/21 Entered 03/29/21 15:25:02 Doc 134 Pg. 4 of 6

requires that responses to discovery be filed within 30 days. Fed. R. Bankr. Proc. 9066 requires that federal court holidays be counted in determining the proper date for filing, unless the final date to file is a Saturday, Sunday or federal court holiday. That is not the case here, and so, it appears UST was required to file her responses on Dec. 7, 2020, but filed her responses on Dec. 9, 2020. Regardless, it is unclear what remedy Defendant is seeking, because ultimately he did receive the responses, and he waited about three months to file this Motion (and nearly two months after the discovery deadline).

02/09/2021	96 (3 pgs)	Notice of Hearing and Motion (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see 100. (Entered: 02/09/2021)
02/09/2021	97 (44 pgs)	Motion to Compel Disclosure and for Sanctions (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see 102. (Entered: 02/09/2021)
02/09/2021	98 (3 pgs)	Notice of Hearing and Motion (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see (Entered: 02/09/2021)
02/09/2021	99 (12 pgs)	Motion to Recuse filed by Thomas Oliver. (Rodriguez-Olivas, J.) (Entered: 02/09/2021)
02/09/2021	100 (3 pgs)	Notice of Hearing and Motion with Certificate of Service. filed by Thomas Oliver Thomas Oliver. **HEARING Scheduled for 3/18/2021 at 02:00 PM at Courtroom 2, F Weinberger Courthouse** . Notice Served On: 2/8/2021. Opposition due on 2/22/2021 unless an objector is entitled to additional time under FRBP 9006. (related documer Generic Application or Motion) (Rodriguez-Olivas, J.) (Entered: 02/09/2021)
02/09/2021	101 (3 pgs)	Notice of Hearing and Motion with Certificate of Service. filed by Thomas Oliver Thomas Oliver. **HEARING Scheduled for 4/1/2021 at 02:00 PM at Courtroom 2, Rc Weinberger Courthouse** . Notice Served On: 2/8/2021. Opposition due on 2/22/2021 unless an objector is entitled to additional time under FRBP 9006. (Rodriguez-Oliv Related document(s) 97 Miscellaneous Document. Related document(s) 102 Motion filed by Defendant Thomas Oliver. Modified on 2/9/2021 (Rodriguez-Olivas, J.). (En 02/09/2021)

In document 134, page 4, Judge Adler states, "[I] waited about three months to file this [m]otion (and nearly two months after the discovery deadline)." This, of course, is yet another lie, which is apparent from the docket. My motion was filed 2-9-21, so I filed exactly two months after Appellee's untimely response and only three and one-half weeks after the discovery deadline.

TENTATIVE RULING

ISSUED BY JUDGE LOUISE DECARL ADLER

Adversary Case Name: UNITED STATES TRUSTEE v. THOMAS OLIVER

Adversary Number: 20-90093

Case Number: 20-01053-LA7

Hearing: 02:00 PM Thursday, April 1, 2021

Motion: 1) PRE-TRIAL STATUS CONFERENCE (from 3/11/21)

2) U.S. TRUSTEE'S MOTION TO EXTEND DISCOVERY DEADLINES FILED BY KRISTIN MIHELIC ON BEHALF OF UNITED STATES TRUSTEE. (from 3/11/21)

Motion to Extend Discovery Deadlines **GRANTED.**

The UST seeks a second extension of discovery deadlines from March 1, 2021 to May 1, 2021 as to the UST due to the Defendant Thomas Oliver's ("Defendant") ongoing discovery abuses.

On September 24, 2020, the Court conducted the pre-trial status conference and ordered compliance with all deadlines set forth in the Certificate of Compliance, including a discovery cut-off and supplemental disclosures deadline of January 15, 2021. [ECF 25] Defendant failed to comply with initial disclosure obligations in violation of FRBP 7026(a)(1)(A). Subsequently, UST promulgated written discovery to Defendant, including interrogatories and requests for production. Defendant failed to respond in full and only provided responses to the requests for production of documents with a tax return previously produced. Despite its efforts, UST has not been able to schedule the Defendant's deposition as Defendant provided just three dates and stated he was only available from 7:00PM through 10:00 PM. UST requested Defendant provide alternative dates and times during business hours, but Defendant refused to engage in meet and confer efforts.

On document no.134, page 1, Judge Adler prevaricated again when she said that I "stated [I] was only available from 7:00PM through 10:00 PM." This is easily proved false by referencing the email I sent to Mihelic as shown in the bottom half of exhibit "U."

To date, Defendant is not in compliance with the Sanctions Orders, nor has Defendant provided full and complete responses to UST's written discovery requests. Defendant did not appear for deposition on Feb. 12, 2021 and did not communicate or explain the failure to appear.

Defendant's Opposition rehashes arguments re: discovery that he previously raised and lost, completely ignoring that the Court has already entered an Order compelling Defendant to provide written discovery and appear for a deposition [ECF 89].

Even in his Opposition, Defendant is clear that he will not appear for deposition or provide answers to requests for admission. Instead, Defendant conditions compliance with Court Orders on the Court's ruling in his favor on his Motion to Appoint Counsel (also to be heard 4/1/2021).

Defendant's assertions that Plaintiff has wasted time during the discovery process are unfounded and without merit, as evidenced by the record. Defendant claims he offered several deposition dates, but the evidence he attaches in support (an email chain) has been altered to make it appear that he offered deposition times beginning at 10:00 AM. The true email chain is part of the record and filed in the UST's status report [ECF 74]. Defendant is strongly cautioned that fabricating evidence may be an independently sanctionable offense.

On January 25, 2021 this Court signed and issued an order compelling Defendant to (1) deliver "[F]ull and complete Answers to Interrogatories, Responses to Request for Production of Documents and all responsive documents;" (2) appear for deposition on February 12, 2021; and (3) pay sanctions for reasonable costs and fees to file and bring the prior Motion to Compel, in the amount of $3,582.55." [ECF 89] By Defendant's own admission, Defendant is not in compliance with *any* portion of the Court's order, and per FRCP 37 (b)(1), made applicable by FRBP 7037, may be held in contempt of court and/or sanctions may be awarded.

On document no. 134, page 2, Judge Adler manipulated what I said when she declared, "By Defendant's own admission, Defendant is not in compliance with any portion of the Court's order." I said I was not in compliance with the assessment of *sanctions* for a variety of reasons—the most obvious of which is that I've filed bankruptcy and do not have the funds. I've complied with all legitimate requests and orders.

Lies, crimes, and other offenses are simply too prolific in this case to list them all. As I've stated previously, I've left many out in the interest of brevity. However, what I've provided easily proves the mind-blowing, eye-popping, breathtaking misconduct permeating this case.