IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Gordon Wayne Watts

Plaintiff,

vs.

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,

Defendants.

_____/

Case No.: 1:19-cv-03473

Judge Robert M. Dow, Jr.
Magistrate Judge Susan E. Cox

SUPPLEMENTAL BRIEF - due no later than Friday, March 20, 2020

The court, in its 2-20-2020 order [27 and 28], granted Plaintiff's motion to alter/amend [20], and vacated its prior order [18], in part, reinstating Plaintiff's claims for prospective declaratory relief against the individual Defendants—all state judges—to the extent permissible under 42 U.S.C. § 1983 and the *Ex parte Young* doctrine. The court, in the same order, directed Plaintiff to file a supplemental brief no later than March 20, 2020, explaining why he should be permitted to proceed with his complaint given additional potential legal hurdles that must be cleared before he can proceed with any claims under *Ex parte Young*.

STATEMENT

I. BACKGROUND

The background to this case is set out in greater detail in both Plaintiff's filings, as well as the several Orders by the court, as reflected in the Public electronic docket. For the sake of brevity and Judicial Economy, Plaintiff refers readers to those documents, which are incorporated by reference. The court, in its aforementioned order [28, p.4], granted leave to file a supplemental brief addressing additional potential legal hurdles. Furthermore, the court denied

Plaintiff's motion in other respects [28, pp.3—4].

II. DISCUSSION

I will address each point raised by the federal court, starting with the harder questions first, and then address a few legal points that were inadvertently omitted in prior analyses by the court or the parties involved.

Specifically, the Court denied, in part, with the following legal findings:

(1) "The class allegations remain stricken as Plaintiff, a non-lawyer, may not represent other individual litigants." **This is correct,** however, Plaintiff represents to the court that he is in contact with some of the other potential plaintiffs, who express interest in joining suit.

(2) The court also held that "The claims against all of the state actors (courts and judges) for money damages remain dismissed, as they are barred by the Eleventh Amendment and/or judicial immunity." While Plaintiff concedes that The Eleventh Amendment does, indeed, protect a governmental entity (the Illinois state courts, in this case) from monetary damages, nonetheless, **Plaintiff seeks clarification from this Court as to how Defendants (in their individual capacity) are able to elude and escape the holdings of *Pulliam v. Allen,* 466 US 522, at 528 (1984), which did, indeed, find for a monetary award of attorney's fees.** (The Plaintiff, representing himself, should not be treated any differently than a litigant with an attorney, because he is doing the same labour and work: Equal Protection controls.) Before moving on to the next point, it is worth noting that ***Pulliam,*** at 541, cites to ***Mitchum v. Foster,* 407 U.S. 225, (1972),** and that the Court, in its last Order, expressed concerns that ***Mitchum*** was no longer valid caselaw because "the statutory language quoted above [for 42 USC 1983] was added by Congress after the Supreme Court's decision in *Mitchum v. Foster*, 407 U.S. 225, 237

(1972) reliance on *Mitchum* in support of a claim for *injunctive* relief against judicial officers [see 20, at 14-15] is no longer viable." While this may be true (of *injunctive* relief—addressed below), **the point of *monetary awards* is a distinct legal point, and Defendants can not escape an award of fees –unless, of course, *Pulliam* has been reversed on this point too. *Has it?***

(3) The court held that "The Section 1983 claims against the Circuit Court of Cook County remain dismissed because the Circuit Court, "as a unit of state government, is not a 'person' for the purpose of § 1983." *Tibor v. Kane County, Illinois*, 485 Fed. Appx. 840, 841 (7th Cir. Dec. 6, 2012)." **Plaintiff doesn't contest this finding, which also shields state *Appellate* courts (also units of IL state gov't) from § 1983 claims. However, this concession is made with reservation:** While The Supreme Court has decided that states and state agencies (e.g., the Circuit or Appeals courts) aren't "persons" subject to suit under Section 1983, nonetheless, municipalities and other local governmental units such as school districts may be sued when official policies are in clear violation of constitutional rights (*Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978)) in which the Court overruled *Monroe v. Pape* in holding that a local government is a "person" subject to suit under 42 USC § 1983. Local government entities, as long as they aren't the state or an arm of the state, can be sued under Section 1983 for damages and injunctive relief: Political subdivisions of the state have no Eleventh Amendment protection from suit in federal court. *Moor v. County of Alameda,* 411 U.S. 693, 717-25 (1973). See also *Northern Ins. Co. of New York v. Chatham County, Ga.,* 126 S. Ct. 1689, 1690 (2006). "Local governments sued under § 1983 cannot be entitled to an absolute immunity, lest today's decision "be drained of meaning," *Scheuer v. Rhodes*, 416 U. S. 232, 416 U. S. 248. P. 436 U. S. 701." (*Monell,* at 660) This would imply that closer scrutiny be given to units of state government, if

in fact, this Court finds *Tibor* to be outdated caselaw, and seeks justification to withdraw from that standard: Are courts specifically protected under the Eleventh Amendment? "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state." (11TH Am., U.S. Const.) **This gray area of caselaw (as to whether "courts" = "states") might be certified to the 7TH Circuit Court for review.**

(4) Finally, the court held, as a matter of law [Doc. 28, pp.3—4] that "Plaintiff's claims for injunctive relief against the individual Defendants remain dismissed. Section 1983 states that "injunctive relief shall not be granted" in an action brought against "a judicial officer for an act or omission taken in such officer's judicial capacity . . . unless a declaratory decree was violated **or declaratory relief was unavailable."** 42 U.S.C. § 1983. Given that express statutory limitation, the Seventh Circuit has explained that "§ 1983 limits the type of relief available to plaintiffs who sue [both federal and state] judges to declaratory relief." *Johnson v. McCuskey*, 72 Fed. Appx. 475, 477 (7th Cir. Aug. 5, 2003); *Sudduth v. Donnelly*, 2009 WL 918090, at *5 (N.D. Ill. Apr. 1, 2009).[1]" [Some emphasis added in **bold/underline** for clarity; not in original text of order.] However, after careful consideration, it is plainly obvious, from the record below, that "declaratory relief" was plainly unavailable: All the motions, for even such basic things as clarification, were almost uniformly denied, and the state court plainly wasn't willing to grant

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[1] The court, in footnotes [Doc. 28, p.4], makes the following comments: "This line of authority appears to moot any potential application of the Anti-Injunction Act, 28 U.S.C. § 2283, for there is a statutory bar to injunctive relief in any event. See also *Tibor*, 485 Fed. Appx. At 841 (explaining the relationship between Section 1983 claims, the Anti-Injunction Act, and the Younger abstention doctrine). It also bears mentioning that the statutory language quoted above was added by Congress after the Supreme Court's decision in *Mitchum v. Foster*, 407 U.S. 225, 237 (1972), and thus any reliance on *Mitchum* in support of a claim for injunctive relief against judicial officers [see 20, at 14-15] is no longer viable." See below—next page—for a clearer analysis of the 1996 statutory language added.

declaratory relief against itself. This would imply that injunctive relief is available to enjoin the state court from continued violations of civil rights—elucidated in the Amended complaint.[13]

The court, in footnotes, said, in part, "that the statutory language quoted above was added by Congress after the Supreme Court's decision in *Mitchum v. Foster,*" referring obviously to 42 U.S.C. § 1983 (and not to 28 U.S.C. § 2283, the only other U.S. Code cited, which apparently has not had any such recent amendment). If the court is referring to § 1983, then it is true that amendment partially overruled *Pulliam v. Allen,* 466 U.S. 522 (1984), which provided that judges were immune from suits for damages, but not injunctive relief. However, a closer look at that amendment finds these official notes**: "1996-**Pub. L. 104–317 inserted before period at end of first sentence ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted **unless a declaratory decree was violated or declaratory relief was unavailable**"**."** Emphasis added for clarity in boldface underline; not in original. *Source:*

https://UsCode.House.gov/view.xhtml?req=(title:42%20section:1983%20edition:prelim)

Thus, it is plain that appropriate injunctive relief should be available to Plaintiff . If this is not correct, Plaintiff respectfully seeks clarification as to how/when declaratory relief was available in the state courts, below.

Moreover, the Court granted, in part, vacating its prior order, holding that "any claims seeking prospective, declaratory relief are reinstated and will be permitted to proceed under the *Ex parte Young* doctrine, provided that no other basis for dismissal applies (see below). See *Pulliam v. Allen*, 466 U.S. 522, 541-42 (1984)," with "leave to file a supplemental brief addressing the [following] additional potential hurdles that must be cleared before he can

proceed with any claims under *Ex parte Young*:"

(1) The Court's first concern, in this regard, asks Plaintiff to address the following legal standard: "Declaratory judgments "are meant to define the legal rights and obligations to the parties in the anticipation of some future conduct," and "are not meant simply to proclaim that one party is liable to another." *McCuskey*, 72 Fed. Appx. At 477-78..."

The textbook definition of Declaratory relief is a judge's determination (called a "declaratory judgment") of parties' rights under a contract, statute, regulation, etc., under the theory is that early resolution of legal rights will resolve some or all of the other issues in the matter. In other words, a party involved in an actual (or even possible) legal matter can ask a court to conclusively rule on and affirm the rights, duties, or obligations of one or more parties in a civil dispute. In this case, the state court judges have an obligation to obey Federal Law (be it caselaw, statutory law, Constitutional Law, or whatever is Federal is Supreme to that which is state) with regard to Plaintiff, (and any other potential aggrieved plaintiffs).

The *Declaratory Relief*, here, determines the rights of parties, without ordering anything be done or awarding damages (as would be had by *Injunctive Relief*, which would order it done). While an award of damages may be appropriate under *Pulliam* (discussed elsewhere in this brief), the prayer for Declaratory Relief will only look forward (prospectively, and not retroactively). The need for 2 forms of relief are <u>not</u> mutually exclusive, and Plaintiff shall pray this Court for such relief, following below.

(2) Next, this Court expresses the concern that "the Seventh Circuit has held that "a plaintiff may not seek reversal of a state court judgment simply by casting his complaint in the form of a civil rights action." *Ritter v. Ross*, 992 F.2d 750, 754 (7th Cir. 1993)." While, yes, it is

true that many litigants—including the undersigned Plaintiff—would love to be able to *directly* appeal the merits of an adverse state court decision to a Federal District Court (e.g., "forum shopping" or the hopes that a Federal Court would be more fair, less apt to violate or abridge Civil / Redress Rights, etc.), nonetheless, that is not the case here. Plaintiff asks this Court to look again at the Amended Complaint [13]. This complaint alleges actual Civil Rights Violations, not mere disagreements with the *merits* of an adjudication. Indeed, no such review on the merits was ever had! (That, *alone*, is a bellwether, a clarion, a hallmark, if you will, of egregious Civil Rights violations, likely to be repeated**:** How many *other* litigants—less able to defend than the current plaintiff—will be abridged and denied? This must stop.) To put it another way, it is theoretically possible that Plaintiff's civil suit, in the case at bar, is decided in his favour, and yet he (and other litigants) still fail to prevail on the "merits" in the state action. This, alone, is proof that Plaintiff's case is not premised upon an attempt to "trick this Court" into getting around the legendary *Rooker-Feldman* Doctrine, which, if course, prohibits all inferior Federal Courts from sitting in direct review of state court decisions unless Congress has specifically authorized such relief. As a practical matter, however, one must ask: If the state courts are indeed so corrupt as to deny plain / obvious Civil Rights—something that sadly happens when judges are comprised of imperfect humans—would it do any practical good to "force the mechanism" of review and procedure? That is an appropriate question, but Plaintiff is not psychic, and will withhold judgment absent an epiphany. Note: "corrupt" as a descriptor is not meant as an inappropriate insult to state judge defendants, only a legal theory floated to explain *possibilities*. Plaintiff genuinely believes that much honour and integrity is present in the IL state judiciary, which may need Federal involvement to trigger, activate, catalyze, crystallize, or otherwise focus: If the

Court looks closely at my prior filings, it will see that I have kind words about even the most obstinate judges and justices, such as state circuit Judge, Diane M. Shelley, one of the defendants in this case, in her 12/07/2017 ORDER, when she withdrew & vacated her "dismissed with prejudice" order dated July 10, 2017 (Point "C" of her order), which I include here to illustrate that Plaintiff will regognise that even guilty defendants such as these have honour, or IL state appellate Justice, Daniel J. Pierce, who granted the undersigned Plaintiff numerous extensions to file a record on appeal—mentioned to show no *mens rea* or ill intent exists in Plaintiff's filing.

(3) Finally, the Court states that "[b]ecause "federal courts have no power to review state-court civil judgments" (*Lockyer*, 115 Fed. Appx. at 896)—either directly or indirectly through clever pleading—"[l]itigants who believe that a state proceeding has violated their constitutional rights must appeal that decision through their state courts and ultimately to the United States Supreme Court." *Cichowski*..." and opines that the cited cases "suggest that the last stop on the legal highway for Plaintiff is not this Court in a separate lawsuit, but the Supreme Court of the United States on direct review of each of the state court rulings giving rise to Plaintiff's claims."

This is partly true: Insofar as the merits of the various cases, in state court, went south for aggrieved litigants, that much is true. Put another way, generally, father won't overrule mother, so long as there is nothing bizarre involved: The Federal Courts, here, are 'father' and the state courts, 'mother', in this rough analogy. Or, to use a generic—but hopefully non-offensive 'religious' parable, The Almighty give mere mortals 'Free Will', and, in like manner, The Federal Court system grants much latitude to the state courts: But even The Almighty has limits on His patience, and – as but one example – no mere "earth" court can violate the "Law of Gravity" or the "Laws of Physics": Some laws are absolute. Likewise, the state courts are obligated to obey

basic Federal Civil Rights guidelines**:** all mere mortals have 'limits' on their 'Free Will'.

Plaintiff does not contest the axiom stated by the Court, however, argues that it does not necessarily apply to all the proceedings below—a chief reminder that the Federal Courts do not exist without a reason or purpose. (Even state courts have their 'limits'.)

III. PRAYER

Based on the forgoing, Plaintiff now prays this Court for the following various relief:

INJUNCTIVE RELIEF

A request for injunctive relief (Preliminary Injunction, a TRO – Temporary Restraining Order, etc.) from a Federal Court to enjoin a state actor is no small matter, and must be taken with the greatest of seriousness: The *"Sine Qua Non"* (e.g., the indispensable basic standard) of injunctive relief is a showing of irreparable injury and the inadequacy of legal remedies. See ***Sampson v. Murray,*** 415 U.S. 61, 88 (1974). Generally, the party requesting injunctive relief must establish the likelihood of irreparable harm if the injunction isn't entered –and that other remedies at law are inadequate.

Likelihood of irreparable harm: First, as explained before, the gentleman who owes Plaintiff huge (and documented) sums for various research and technical assistance with computers, research, mailing, etc., is quite elderly—and it bodes ill for this Court to aspire to allow the case to "drag on" for several more decades. It is upon "information and belief" (undersi*gned Plaintiff personally knows Mr. Daniggelis: https://www.Google.com/search?client=opera&q="richard+daniggelis"+chicago and, also, has verified a few things independently as well: See online search above)* that this gentleman is indeed quite old, and in poor health. Irreparable harm would occur to both Plaintiff *and* interested party, Daniggelis,

should justice be delayed: “Justice delayed is justice denied” – American Proverb: A legal maxim meaning that if legal redress is available for a party that has suffered injury, but isn't forthcoming in a timely fashion, it's effectively the same as having no redress at all.

Here, the elderly victim who owes Plaintiff a pretty sum (see filings to document details), had his house stolen via documented title theft (as amply documented by Plaintiff's voluminous filings), and it is but a short reasoning to assert that being made homeless would impede (if not outright quash) Daniggelis' ability to pay Plaintiff what he owes him. Moreover, as Plaintiff made a timely and appropriate Intervention in the case, where he had unrepresented interests (the legal equivalent to one placing a lien on a car, house, etc., but done with the more-general “intervention” method), he encountered Illinois state courts, legendary for their corruption (not meant as an insult, but an historical fact), and thus gives rise to this action.

Other remedies at law are inadequate: As to this other standard, perhaps Declaratory relief would help, but that is not certain. An injunction *may* eventually be necessary to enforce a declared right, so why wait around needlessly wasting everyone's time / energy?

Plaintiff respectfully prays this Court issue a temporary injunction, enjoining the state court in question, to reinstate his appeal – and appeal dismissed for alleged “want of prosecution,” a legal malarkey and fiction. (Plaintiff viciously prosecuted his case! As this Court well knows.) To elucidate the gravity here, let us recall that a single U.S. District Court judge granted injunctive relief when Justice Moore was sued: “Plaintiffs’ motion for permanent injunction and final judgment (Doc. 142), is GRANTED.” *Strawser v. Stranger, et. al.,* No. 1:2014cv00424 - Document 179 (S.D. Ala. 2016), Hon. Callie Virginia Smith "Ginny" Granade, U.S. District Judge, writing for the court. The “Gay Marriage” case did not make a person

homeless, or pretend to be able to redress that matter. This case, by contrast, might have an indirect effect of getting an elderly man's house back—by the direct action of injunctive relief of an aggrieved litigant who is owed huge sums—and has tort damages thereof. Thus, injunctive relief is more appropriate in the case *sub judice*, than in the infamous "Gay Marriage" case, in which state judge, Roy More, got successfully sued—via injunctive relief. Justice More encountered an injunction in this recent 2016 case, so the Court's inferences from the 1996 change in statutory language of § 1983 are inapposite to existing settled case law from this very recent 2016 case—as touching the matter of 1983-type injunctions.

Although suits under §1983 are not strictly governed by §2283, see *Mitchum v. Foster*, 407 U.S. 225 (1972), they may proceed only to the extent allowed by the principles of *Younger v. Harris*, 401 U.S. 37 (1971), and its successors. *Younger* requires parties to pending state cases to present their contentions, even constitutional ones, to the state judiciary, both trial and appellate: **Plaintiff most certainly did:** This Court may look at page 1 of "Exhibit-I" – a "Rule 321" motion to limit the contents of the record on appeal – in the state court – to a level which was affordable by the indigent litigant, Plaintiff, Gordon Wayne Watts. The circuit court refused to rule on a motion, which was ordered to be reviewed by the state appeals court. (Due Process is implicated.) As well, the circuit court (Ex-I, page 4) refused to rule (even adversely) on the 7-7-2017 Intervention motion placed properly before it. (Hon. Diane Shelley, for the court)

Moreover, this Court may subpoena Plaintiff's "Motion *En Banc* for Reconsideration of Dismissal for alleged Want of Lack of Prosecution Concurrent with Motion for Summary Judgment," which he filed (see **"EXHIBIT-X"** – incorporated as part of this document—for judicial economy: E-FILED; Transaction ID: 1-18-0091; File Date: 8/13/2019 10:45 AM), in

which Plaintiff clearly informed the Defendant state judges of their Civil Rights violations. One quote from cover pages states the following:

> **"This court broke Federal law** in its refusal to make the record on appeal affordable: See, e.g., *Griffin v. Illinois,* 351 U.S. 12, 18-20 (1956) (holding that requiring indigent defendants to pay for transcript of trial in order to appeal denies FEDERAL Equal Protection even though there is no absolute right to appeal). Basically, what was done to Plaintiff, WATTS, was even worse: Griffin, as the court held, did not have an absolute right to appeal. Watts, however, did have an absolute right under ILLINOIS State Law: "Rule 301. Method of Review [] Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding." Source: http://www.illinoiscourts.gov/supremecourt/rules/art_iii/artiii.htm" (Exhibit-X, pp.1—2)

As stated above, *Younger* requires parties to pending state cases to present their contentions, even constitutional ones, to the state judiciary, both trial and appellate: **Plaintiff most certainly did, as even these few examples demonstrate.**

The Court, in *Mitchum v. Foster*, reversed the district court's order denying *injunctive* relief and remanded the case for further proceedings because the statute under which the bookstore owner sought relief was an authorized exception to the Anti-Injunction Act. The Court held that federal injunctive relief was appropriate only where the irreparable injury [such as an elderly Daniggelis' health/life weighed upon by huge judicial delays] was both great and immediate, ***–or*** the state law was flagrantly unconstitutional [such as that "Rule 321," which allows state courts to impose unreasonable costs for "most basic" records—thus stopping access to appeals Due Process], ***–or*** there was a showing of bad faith that would call for equitable relief. [The court's refusal to allow for a reasonably-sized 'Record on Appeal' is *prima facie* evidence!] The key word here is " or " – All of these exceptions need not apply: Any one 'or' the other may apply to invoke injunctive relief, as authorised in current case law, which this Court has cited.

The Court, in *Mitchum*, added that to qualify under one of those expressly authorized exceptions, the federal law did not have to expressly reference § 2283. The test was whether an act of Congress, clearly creating a federal right enforceable in a federal court of equity, could be given its intended scope only by the stay of a state proceeding. The Court held that 42 U.S.C. § 1983 fell within the exception.

TIMELINESS: This cause is timely. **Current 1997 caselaw** holds that there is no specific time within which one must seek an injunction under an exception to the Anti-Injunction Act. Indeed, courts have expressly held that when merely one of the exceptions applies, a federal court "may enjoin state proceedings at any point in time 'from the institution to the close of the final process.'" (*Atl. Coast Demolition & Recycling, Inc. v. Bd. of Chosen Freeholders*, 988 F. Supp. 486, 495 (D.N.J. 1997) (quoting *Hill v. Martin*, 296 U.S. 393, 403 (1935)); see also *Ernst & Young*, 393 B.R. at 371 (quoting *Atl. Coast Demolition*, 988 F. Supp. at 495).)

Plaintiff respectfully prays this Court issue a temporary injunction, enjoining the state court in question, both enjoining reinstatement of the intervention appeal – dismissed for alleged "want of prosecution," a legal fiction – and from enforcement of "Rule 321," which (as discussed elsewhere) is both Unconstitutional on its face – and as applied.

DECLARATORY RELIEF

A request for prospective declaratory relief is also appropriate, and requested, to the extent permissible, under 42 U.S.C. § 1983 and the *Ex parte Young* doctrine. Turning first to "Exhibit-R," on record with the Court**:** In his 05/03/2018 order, Justice Pierce held that: "IT IS HEREBY ORDERED THAT This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in

this matter (1-18-0572). Motion denied." (EXHIBIT-R – Underline for emphasis – not in original)

It is clearly a false statement (three false statements, but—and more-importantly—a denial of Due Process) which captures the attention of Plaintiff, moving him to seek this Court **declare** those analyses to be false doctrine. 1.) Plaintiff, in the record below, adequately shows that appeals court has plenary appellate authority/jurisdiction to order the circuit court to hear the merits of the intervention. [Note: Plaintiff is not asking *this* Court to hear said pleading, only to ensure the state courts—defendants in this action—do their job, and grant both Procedural and Substantive Due Process.] 2.) Ibid. on this point. 3.) Not only does appeals court have 'general' authority to dictate the record on appeals (limit it, enlarge it, expedite or toll, etc.,) there is specific 'Rule 321' authority, given, so this justice is lying, and that is not merely a moral foible, but an egregious Federal Civil Rights violation of Redress, Equal Protection, and both Procedural and Substantive Due Processes.

Declaratory relief both for prospective actions of the state actors as well as the rule, itself, which is unconstitutional both on its face and as applied**:** This Court should declare Rule 321 as Unconstitutionally vague on its requirements, and too restrictive for indigent litigants. This may be a "fuzzy" concept, but I will illustrate plainly:

We recall that the appeals court (see EXHIBIT-M, on record) in its ORDER ENTERED on "AUG 28 2018," dismissed for (alleged) want of prosecution. Oh, really? The 3-Justice panel alleged that I failed to file the Record on Appeal in a timely fashion. That would be like a cop alleging that he asked a motorist to do a 'sobriety test' by beating Olympic Gold Medalist, Carl Lewis in a foot race! Of course, when you ask a person to do the impossible, said person will

likely not comply.

However, a more appropriate example to illustrate the 3-judge panel's Civil Rights violations exists:

Suppose that the court is in recess**:** judges, lawyers, and litigants [including Plaintiff] socializing, and we all take an elevator down to the lobby for lunch break. However, while on the elevator, some "bad guys" sabotage the elevator, and simultaneously try to break into the "parked" elevator to rob and assault us. In this analogy (and a comparable analogy), we call 911, and get the Police dispatcher on the line. Here is where the illustration makes sense. This exact (theoretical) scenario plays out in 2 different courts, in 2 different cities, and with 2 different "911" dispatchers.

In the first scenario, several of us call 911, and the dispatcher asks us basic information: "What's your emergency?" – "Where are you now?" – "What's the description of the attackers?" RESULT: The City Police Department (which is in the EXECUTIVE BRANCH of Government) executes appropriate access for us to Redress them for help & assistance. (With me so far?)

In the second scenario, however, several of us call 911, and *that* 911 dispatcher has an attitude, is rude, and a "very slow talker," to boot. Now, rude 911 dispatchers, while unpopular, aren't arrested for that. However, *this* 911 dispatcher demands that every person on our elevator (and who are all being threatened by the "bad guys" attacking us) recite to her our full names, addresses, dates of birth, Social Security Numbers, and *even our blood types!* She demands to have "enough information" to properly dispatch the Police to our emergency. (Does the Court see where I'm 'going' with this?)

Here, the appeals court (/s/ Justice Daniel J. Pierce; /s/ Justice Mary L. Mikva; /s/ Justice

John C. Griffin, writing for the court) demands the entire record! (See "EXHIBIT-X" which is being submitted inline as part of this Supplemental Brief – and looks at how many times (subpoena any records I'm missing, if necessary) the appeals court kept granting my motion to extend time, but knowing full-well that it was asking me to "do the impossible" in its demand that I produce the entire Common Law Record. (Notice, if you will, how this is not unlike the bizarre "911 dispatcher" in my last analogy. Or the cop who asked the motorist to do an impossible "sobriety test" – which, I would assume, has never happened, because no cop is that crazy or unreasonably unreasonable in demanding the impossibly impossible in sobriety tests.)

If these analogies don't explain the egregious depravity of the Due Process violations, nothing will.

It suffices to say that Prospective Declaratory relief is appropriate in these instances regarding these state actors' prospective and continued denial of our Civil Rights—and as touching the Unconstitutional "Rule 321":

> **Rule 321. Contents of the Record on Appeal**
> The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed and judgment and order entered in the cause and any documentary exhibits offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court. Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994. Source: http://www.Illinoiscourts.gov/supremecourt/Rules/Art_III/artiii.htm

FURTHER DECLARATORY RELIEF:

Declaratory relief is indeed available to define legal rights with respect to present and future

conduct. See e.g., *Johnson v. McCuskey*, 72 Fed. Appx. 475, 477 (7th Cir. 2003); *Aldrich v. Considine*, 2013 WL 4679722 at 7 (D. Mass Aug. 29, 2013) (collecting cases). Declaratory relief is not meant to reach past conduct: Plaintiff respectfully seeks **a Declaration by this court** that the 3/8/2013, which Judge Otto entered – a 9-page Order **[see Exhibit-F],** admitting that the July 9, 2006 warranty deed "is in most respects identical" to the May 9, 2006 warranty deed that Daniggelis signed (except, of course, for the word 'July' being hand-written in), **is** [present and future] conclusive evidence to supports Daniggelis' claims that there was photocopy forgery of his signature, which forgery - all by itself - would void the entire illegal transfer of title. [Ex.-F, p.4, top of page] In asking this Court to make this **declaration,** I respectfully point out that the statement by Judge Otto is plainly obvious to even a nonlawyer that he (accidentally slipped up and) admitted plain/obvious forgery fraud. Lookit, if a novice can "declare" such a plainly obvious truth, so surely more can this Court.

RITTER v ROSS: Federal courts don't have authority to review merits of state court decisions. "The Court stated, however, that the [Federal] district court did have subject matter jurisdiction over plaintiffs' complaints "[t]o the extent that *Hickey* and *Feldman* mounted **a general challenge to the constitutionality"** of the D.C. bar admission rule. Id. at 482-83, 103 S.Ct. At 1314-15." (*Ritter v. Ross*, 992 F.2d 750, at 753 (7th Cir. 1993)) Thus, Plaintiff mounts a general challenge to the constitutionality of the "Rule 321" record rule, requiring ENTIRE record to be used if movant can't get a "stipulation" from the other parties or a "grant of leave" from the court (both not guaranteed) **– and now seeks appropriate Declaratory relief:** *Ex Parte Young* is well-settled caselaw that the Eleventh Amendment provides no shield for state officials confronted by a claim that they had deprived another of a federal right under the color state law.

Currently, most courts hold that the amendment to § 1983 does not bar declaratory relief against judges: See, e.g., *Severin v. Parish of Jefferso*n, 357 F. App'x 601, 605 (5th Cir. 2009) (per curiam) ("[J]udicial immunity does not bar declaratory relief . . . ."); *Esensoy v. McMillan*, No. 06-12580, 2007 WL 257342, at *1 n.5 (11th Cir. Jan. 31, 2007) (*per curiam*) ("[J]udicial immunity protects the Defendants only from Appellant's request for injunctive relief. But § 1983 does not explicitly bar Appellant's request for declarative relief."); *Johnson v. McCuskey*, 72 F. App'x 475, 477 (7th Cir. 2003) ("[T]he amendment to § 1983 limits the type of relief available to plaintiffs who sue judges to declaratory relief."); *Bolin v. Story*, 225 F.3d 1234, 1242 (11th Cir. 2000) ("[T]he 1996 amendment to § 1983 would limit the relief available to plaintiffs to declaratory relief."). [Unless a declaratory decree was violated or declaratory relief was unavailable" – according to 1996-Pub. L. 104–317 – and as explained above.]

Request of this Court for leave to add additional defendants—private parties:

It has come to Plaintiff's attention that Private Citizens can be sued as state actors for 42 U.S.C. § 1983 violations**:** The U.S. Supreme Court has consistently held that **non-state** actors can, under certain circumstances, engage in conduct under "color of State law," and may be subject to liability under section 1983 where they "act jointly" or conspire with state government officials. See, e.g., *Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass'n*, 531 U.S. 288, 296 (2001); *Tower v. Glover*, 467 U.S. 914, 919 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); cf. *United States v. Price*, 383 U.S. 787, 794 (1966) (holding that, for purposes of finding liability under the criminal law analogue of section 1983, 18 U.S.C. § 242, private individuals acting jointly with state officers engage in conduct "under color" of state law).

This turn of events was unexpected, but why is Plaintiff asking for this? Looking again, at "Rule 321," we see a provision which allows the "Record on Appeal" to be shrunk down to size if there is a "stipulation" of the parties. Since the court had previously made it practically impossible for Plaintiff to have even the 'semblance' of a "fair day in court" (by making sure that the Record on Appeal would cost—likely—tens of thousands of dollars – see pleadings below to document/verify), it's obvious the **state judges** were suppressing Due Process, as explained elsewhere. However, the other "non-state" actors – attorneys for the other parties – knew full-well that Plaintiff simply wanted a "fair day" in court, and *could* have (according to Rule 321), but chose not to – "stipulate" to a smaller record. It would have taken but moments; they could have – but didn't. Therefore, they should be subject to liability under section 1983 where they "act jointly" and/or conspired with state government officials (IL state judges here).

Their identities are elucidated in the state filings, and Plaintiff now asks for leave to include them alongside the other named Plaintiffs. Chief among them is Joseph Younes, both a plaintiff- and counter defendant in the state action, and also an ILLINOIS bar-certified attorney – and the one who stole Daniggelis' house via forgery-based title theft (aka Mortgage Fraud, documented below). An attorney is held to higher standards, and Daniggelis, who sought (infamously-disbarred) Attorney Paul Shelton – Google him – and Attorney Joseph Younes – both very famous ILLINOIS attorneys – got his house stolen when he simply sought a re-fi for his underwater mortgage-- a simple refinancing. Therefore, Shelton and Younes (and others who willfully refused to stipulate to a smaller, affordable record) are ripe for addition as Defendants.

CONCLUSION:

Plaintiff recognizes the political, practical, and legal hurdles and difficulties which may face this Court—and yet "this is not intended in any way to impinge upon the principle which justifies suits against individual defendants, who, under color of the authority of unconstitutional legislation by the State, are guilty of personal trespasses and wrongs, nor to forbid suits against officers in their official capacity either to arrest or direct their official action by injunction or mandamus, where such suits are authorized by law, and the act to be done or omitted is purely ministerial, in the performance or omission of which the plaintiff has a legal interest."" *Ex Parte Young*, 209 U.S. 123, at 189 (1908)

It may therefore be essential to use the approach of *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), to seek prospective relief against one of the judges."

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Grant leave to add private parties to the section 1983 action, as elucidated above.
2. Issue Declaratory relief, holding, as a matter of the law of the case, Rule 321, of the ILLINOIS SUPREME COURT to be unconstitutional, *both on its face and as applied.*
3. Issue Declaratory relief, holding that R.I.C.O. applies regarding alleged collusion.
4. Issue Ancillary relief, recognising that the class so-enumerated within this complaint can not be represented by non-lawyer Plaintiff, and *sua* sponte appointing counsel for all those so affected—even Plaintiff—as a "standby counsel."
5. Issue Ancillary relief, issuing an official court-sanctioned press release – not unlike was done when the U.S. Supreme Court issued occasional press releases in the recent "Gay Marriage" case. This 'ancillary' relief is sought under the Common Law doctrine of "When the cat's away, the mouse will play." (The state judges are the mice, and this Court is the cat, in said analogy.)
6. Issue Preliminary Injunctive relief, staying any dismissal of the case in question, 1-18-0091, which is [or was] the only live case in this series of cases—or reinstating it if need be.
7. Issuing Permanent Injunctive relief, not only striking "Rule 321" as unconstitutional, but also permanently barring dismissal of the appeal in question, until both Procedural and Substantive Due Process can be had for class plaintiffs—both Daniggelis' mortgage fraud claims, Watts' intervention interests, and any other damages which This Court deems appropriate.
8. Awarding unspecified monetary damages against state-actors "in their individual

capacities" as permitted by current caselaw in *Pulliam v. Allen,* 466 US 522, at 528 (1984), which did, indeed, find for a monetary award of attorney's fees, for both financial and emotional harm suffered by class plaintiffs (loss of house, land, equity, for Daniggelis, loss of interests by Watts in huge, documented, monies owed for research and tech services rendered), and vast emotional pain suffered by all parties) —at least $700,000.oo awarded to Richard B. Daniggelis for loss of house, land, equity, rental fees, costs of storage, and pain/suffering, $7,000.oo awarded to Gordon Wayne Watts for loss of his financial interests, and pain/suffering, and to Atty. Andjelko Galic and Mr. Robert J. More, The Court orders an award of $5,000.oo to each for pain/suffering—and that, in treble (triple) due t o R.I.C.O. `

9. Other relief as This Court deems appropriate.

Respectfully submitted, /s/ **Mr. Gordon Wayne Watts**

Date: _Thursday_, this **_19th_** day of **_MARCH_**, 2020 /s/ _____

(Day of Week) (Ink signature if printed and mailed)

Certificate of Service

I, GordonWayne Watts, hereby certify that I am, now, filing a copy of **this** brief with the clerk of the Circuit Court, Northern District of Illinois, Eastern Division, via CM/ECF, this **_19th_ day of _MARCH_, 2020,** but on no one else, as Judge Dow's order of 5/31/2019 found me *In Forma Pauperis*. I shall attempt to mail a printed "courtesy copy" to Judge's Chamber, if able, and—if able—also notice up a motion for a phone hearing. I may also, in like manner (but do not guarantee to), notify the other defendants who are judges in the state's circuit court—possibly by filing a notice in the court of the defendant-judges. **Respectfully submitted,**

Date: _Thursday, 19 MARCH 2019_ /s/ **Mr. Gordon Wayne Watts**

Signature of Counsel: /s/ _____

(Ink signature if printed and mailed)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***
Florida Bar Identification Number (if admitted to practice in Florida): – N/A
Firm or Business Name: ***The Register*** (non-profit, online blog: links below)
Mailing Address: 2046 Pleasant Acre Drive, Plant City, FL 33566-7511
Telephone Number(s): (863)687-6141 & (863)688-9880, FAX number: N/A
E-mail address(es): Gww1210@Gmail.com and Gww1210@aol.com
Official website(s): https://GordonWatts.com and https://GordonWayneWatts.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Gordon Wayne Watts

Plaintiff,

vs.

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,

Defendants.
_____/

Case No.: 1:19-cv-03473

Judge Robert M. Dow, Jr.
Magistrate Judge Susan E. Cox

SUPPLEMENTAL BRIEF - due no later than Friday, March 20, 2020

APPENDIX – "X"

The "Motion *En Banc* for Reconsideration of Dismissal for alleged Want of Lack of Prosecution Concurrent with Motion for Summary Judgment," filed in the state appeals court, dated 8/13/2019 10:45 AM

E-FILED
Transaction ID: 1-18-0091
File Date: 8/13/2019 10:45 AM
Thomas D. Palella
Clerk of the Appellate Court
APPELLATE COURT 1ST DISTRICT

In the Appellate Court of Illinois, First District

Docket Number: 1-18-0091

GMAC Mortgage, LLC, Plaintiffs,	) Appeal from the Circuit Court of Cook County, IL
Plaintiffs,	) County Department, Law Division
vs.	) **Circuit Court Case No.:** 2007-CH-29738
Gordon Wayne Watts, et. al., Defendants.	) (Transfer into **Law Division** from Chancery)
	) **Trial Judge:** Hon. Diane M. Shelley (#1925)
Gordon Wayne Watts,	) **Notice of Appeal date:** Monday, 08 January 2018
Appellant/Counter-Plaintiff,	) **Judgment Date:** Wednesday, 07 December 2017
vs.	) **Date of Post-judgment Motion:** None
	) **Order:** #5
Joseph Younes, Hon. Diane M. Shelley,	)
Hon. James P. Flannery, et al.,	) Supreme Court Rule(s) which confer(s) jurisdiction
Counter-Defendants.	) upon the reviewing court: **Ill.Sup.Ct. R.301, 303**

Motion *En Banc* for Reconsideration of Dismissal for alleged Want of Lack of Prosecution Concurrent with Motion for Summary Judgment

This matter comes before the Court on motion *(en banc)* of Movant for reconsideration of its August 08, 2019 order dismissing this case for alleged want of prosecution—concurrent with a motion for summary judgment in favour of the Movant.

This court dismissed the case for alleged want of prosecution because the Record on Appeal was not compiled and transmitted to this court in a timely manner. However, this court was the very obstacle which prevented the record from being compiled, and now punishes the plaintiff for its own act—and, in doing so, commits serious Federal Civil Rights violations:

The court required plaintiff, Watts, to produce decades and decades of the Common Law Record on appeal, even though he clearly met the guidelines for indigent status. The court might rightly be concerned had Watts asked the circuit court to transmit the entire record to the reviewing court—and then failed to prosecute the case—in the same manner that Atty. Andjelko Galic did. While Galic's actions were not illegal, they were very, very, very immoral—insofar as the Circuit Court spent probably hundreds of "man hours" of labour on a wasted effort. But, unlike Galic, Watts' request was merely for a "Rule 321" limited record (translation: costs lots less, and easier for this court to read, due to its brevity & short length), sufficient to prove title-theft based on a felony forgery photocopy fraud—in this case, in which Watts intervened because he had unrepresented interests.

This court broke Federal law in its refusal to make the record on appeal affordable: See, e.g., *Griffin v. Illinois*, 351 U.S. 12, 18-20 (1956) (holding that requiring indigent defendants to pay for transcript of trial in order to appeal denies FEDERAL Equal Protection even though there is no absolute right to appeal). Basically, what was done to Plaintiff, WATTS, was even worse: Griffin, as the court held, did not have an absolute right to appeal. Watts, however, did have an

absolute right under ILLINOIS State Law: "Rule 301. Method of Review [] Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding." Source: http://www.illinoiscourts.gov/supremecourt/rules/art_iii/artiii.htm

There were numerous other Federal Civil Rights violations—to numerous to elucidate here, but suffice it to say that this court blatantly and willfully lied when it alleged that it did not have mandamus jurisdiction over lower courts (in spite of clear case law and Constitutional Provisions to the contrary) – and this court was also blatantly erroneous when it claimed that it lacked appellate jurisdiction regarding an adverse lower court decision by Presiding Judge James P. Flannery, Jr., which was appealed. [The word 'lied', above, is not meant as any insult to this court, from whom I am asking Redress: It is merely a logical and precise description of the facts and truth. Indeed, lying in not necessarily illegal, but it unnecessarily gives this court's many fine judges and staff a bad name & damages their reputation necessarily. The egregious constitutional violations, however, are a different matter, insofar as the court has used its might to protect the guilty, in this case, those who stole a house, land, and hundreds of thousands of dollars in documented equity from an elderly man, making him homeless, and making him unable to pay others whom he owed—prompting one of them, Plaintiff, Watts, to intervene to protect his interests.]

While Judicial Immunity protects state court judges to a wide degree of latitude, these blatant insurrections and rebellion against plainly obvious State and Federal Civil Rights (including Redress, Equal Protection, and Due Process) place this court in the same position as Judge Gladys Pulliam, a state Magistrate in Culpeper County, Va., who, in her official capacity, issued an order – to order the "practice of incarcerating persons waiting trial for nonincarcerable offenses." (*Pulliam v. Allen,* 466 US 522 at 526, (1984)) She was not immune from being sued for this, and not only were her actions not protected by judicial immunity, these unprotected actions included unconstitutional orders, eventually resulting in stiff attorneys fees and other fines against this judge.

Individual judges can normally not be sued for monetary damages, due to the common law concept of "Judicial Immunity," as federal court have oft-times stated, citing *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011); see also Pierson v. Ray, 386 U.S. 547, 554 (1967) ("immunity applies even when the judge is accused of acting maliciously and corruptly"). However, the precedent on which many court rely was decided in 1967, and apparently these courts didn't get the note that the U.S. Supreme Court, subsequently, held that state judges may be sued for civil rights violations and may be ordered to pay the lawyers' fees of those who sue them successfully. While the 5-to-4 decision permitted only suits for injunctions, not damages, it marked a significant retreat from the doctrine of absolute judicial immunity to which courts have long adhered. Pulliam v. Allen, 466 US 522 (1984):

"Petitioner took an appeal from the order awarding attorney's fees against her. She argued that, as a judicial officer, she was absolutely immune from an award of attorney's fees. The Court of

Appeals reviewed the language and legislative history of 1988. It concluded that a judicial officer is not immune from an award of attorney's fees in an action in which prospective relief properly is awarded against her. Since the court already had determined that judicial immunity did not extend to injunctive and declaratory relief under 1983, 3 the court concluded that prospective relief properly had been awarded against petitioner. It therefore affirmed the award of attorney's fees. *Allen v. Burke*, 690 F.2d 376 (1982)." ***Pulliam v. Allen*, 466 US 522, at 528 (1984).**

Previous filings to this court were generous, insofar as Plaintiff, Gordon Wayne Watts, offered to pay for the limited "Record on Appeal,"and suggested a short list of documents to prove that Mr. Daniggelis, into whose case he intervened, to protect his interest, did indeed have his house stolen via a photocopied (duplicate) signature title theft. But that ship has already sailed, and given the inactivity and negligence of this court, victim Daniggelis is approximately eighty (80) years old, and still quite homeless—and awaiting this court for justice. While I would love nothing more than to afford This Court a sufficient record on appeal to decide the case, on the merits, I am realistic and see the time-sensitive nature of events, as victims are growing old and approaching death from old-age and natural causes. (And, now, am unable to pay for any record.) Moreover, while the "official" record on appeal was not complied (because this court chose to violate the holdings of *Griffin v. Illinois,* cited above—regarding making sure that records are cost-prohibitively expensive), nonetheless, it is the belief of the undersigned movant that this court has (whether or not it officially indicated on record) reviewed enough of the lower court records to know that there was indeed title-theft. (Many, if not most, filings are posted online to my online docket—and available to this court, should it desire to exercise its "Rule 321" authority. Therefore, it is appropriate for this court to issue summary judgment, where the facts are clear, and the case law and statutory law is unambiguous, and give Daniggelis back his house—with an award for attorney's fees, pain, suffering, interest on the monies owed, and losses due to having been homeless, and having to place his belongings in expensive paid storage. (Indeed, were this court's justices the victim of title theft, he or she would want justice, and those lower on the totem pole are just as deserving of justice.)

Details on these matters can be found in the filings in the following case, which is presently pending in Federal Court: 1:19-cv-03473 ** ***Watts v. Circuit Court of Cook County, Illinois et. al.,*** before the Eastern Division Federal District Court, Northern District of ILLINOIS. I shall attempt to attach key filings from that case as exhibits for my motion in this case—in order to more-fully help this court understand the nuances of what was once a simple case (but has now spiraled and spun out of control). See below.

Conclusion: For the reasons stated in this motion, and in the exhibits being filed concurrently with this motion, Movant/Plaintiff/Intervenor, Gordon Wayne Watts, asks for *En Banc* review and reconsideration of this dismissal order, and specifically, for summary judgment in favour of allowing Watts to intervene—which would force a review of this entire case—likely resulting in an aware of Daniggelis' house (plus damages) being returned to him. Summary Judgment is the right tool at this stage of the case, to right the wrongs done to Daniggelis, Watts, and other parties. *En Banc* review is warranted, given the gravity, and quantity, of Civil Rights violations.

Respectfully submitted,

/s/Gordon Wayne Watts

GMAC v. Watts, et al., 1-18-0091 (ILLINOIS First Appellate Court) Tue. 13 Aug. 2019

Verification by Certification

I, Gordon Wayne Watts, the undersigned Movant, under penalties as provided by law pursuant to 735 ILCS 5/1-109, Section 1-109 of the ILLINOIS Code of Civil Procedure, hereby certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true: "Any pleading, affidavit or other document certified in accordance with this Section may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath." Source: 735 ILCS 5/1-109: http://www.ILGA.gov/legislation/ilcs/documents/073500050K1-109.htm

Nonetheless, This Court has on record several of my sworn, witnessed, and notarised affidavits, just to remove any and all doubt hereto.

Date: Tuesday, 13 August 2019 /s/Gordon Wayne Watts

Gordon Wayne Watts

INDEX TO THE EXHIBITS

Instrument	**Docket/Tab#**
AMENDED VERIFIED COMPLAINT AND REQUEST FOR Declaratory and Injunctive relief [Editor's Note: The amended complaint supersedes the original one.]	Exhibit-A
ORDER TO SHOW CAUSE [centered mainly on *Rooker-Feldman*]	Exhibit-B
Reply to the Order of That Court, dated April 10, 2019, to Show Cause	Exhibit-C
ORDER to Transfer Venue [but admitting that the court had over-zealously erred and possibly misapplied *Rooker-Feldman*]	Exhibit-D
05/31/2019 Order dismissing with prejudice [based mainly on Judicial Immunity Grounds]	Exhibit-E
Motion to Alter Judgment [disputing the legal analyses of that federal court]	Exhibit-F
Order on Motion to Alter Judgment [The court tacitly admits it might be wrong, and takes the motion under consideration.]	Exhibit-G

NO. 1-18-0091

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

GMAC Mortgage, LLC, Plaintiff	) Appeal from the Circuit Court of Cook County, IL)
vs.	) No. 07 CH 29737) **(Transfer into Law Division from Chancery)**
Gordon W. Watts, et. al., Defendants	)) Hon. Diane M. Shelley, Judge Presiding

ORDER

This matter coming on to be heard on the motion of Movant, Gordon Wayne Watts, for reconsideration of its most recent order, dismissing for alleged want of prosecution, and, notice having been given, and the Court being fully advised in the premises**:**

IT IS HEREBY ORDERED that title to the house and land commonly known as 1720 North Sedgwick Street, Chicago, ILLINOIS, shall transfer back to Richard B. Daniggelis, and an aware of __$_____ shall be paid by Attorney Joseph Younes for damages above and beyond the initial title theft of the house. Furthermore, Movant, Gordon Wayne Watts' motion to intervene, is granted, and he is awarded __$_____, which is to be paid by Mr. Younes to cover his losses, primarily monies owed to him by Daniggelis. Lastly, Attorney Andjelko Galic (who previously represented Daniggelis) and Robert J. More (who was once a tenant of Daniggelis) shall be awarded __$_____ and __$_____, respectively.

IT IS SO ORDERED.

_____
Justice

_____
Justice

_____
Justice

Prepared by:
Gordon Wayne Watts
2046 Pleasant Acre Drive
Plant City, FL 33566-7511
Phones: (863)687-6141 or (863)688-9880

In the Appellate Court of Illinois, First District

Docket Number: 1-18-0091

GMAC Mortgage, LLC, **Plaintiffs,** **vs.** **Gordon Wayne Watts, et. al.,** **Defendants.**	) Appeal from the Circuit Court of Cook County, IL) County Department, Law Division)) **Circuit Court Case No.:** 2007-CH-29738) (Transfer into **Law Division** from Chancery))
Gordon Wayne Watts, **Appellant/Counter-Plaintiff,** **vs.** **Joseph Younes, Hon. Diane M. Shelley,** **Hon. James P. Flannery, et al.,** **Counter-Defendants.**	) **Trial Judge:** Hon. Diane M. Shelley (#1925)) **Notice of Appeal date:** Monday, 08 January 2018) **Judgment Date:** Wednesday, 07 December 2017) **Date of Post-judgment Motion:** None) **Order:** #5)) Supreme Court Rule(s) which confer(s) jurisdiction) upon the reviewing court: **Ill.Sup.Ct. R.301, 303**

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that today, Tuesday, 13 August 2019, I am causing to be filed with the ILLINOIS 1st Appellate Court my Motion *En Banc* for Reconsideration of Dismissal for alleged Want of Lack of Prosecution Concurrent with Motion for Summary Judgment –with an Index to exhibits, Proposed Order, this NOTICE OF FILING, an updated/corrected SERVICE LIST, and my Certificate of Service, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

_____	/s/ *Gordon Wayne Watts*
(Actual Signature, if served upon clerk)	(Electronic Signature)
Gordon Wayne Watts	**Gordon Wayne Watts**

Gordon Wayne Watts, *pro se* [Code: '99500' = Non-Lawer, *pro se*]
2046 Pleasant Acre Drive
PH: (863) 687-6141 [home] or (863) 688-9880 [cell]
Web: http://www.GordonWatts.com / http://www.GordonWayneWatts.com
Email: Gww1210@aol.com / Gww1210@gmail.com

GMAC v. Watts, et al., 1-18-0091 (ILLINOIS First Appellate Court) Tue. 12 Mar. 2019

SERVICE LIST

* **1st District Appellate Court,** Clerk's Office, 160 North LaSalle St., Chicago, IL 60601 (312) 793-5484 , Office Hours: 8:30a.m.-4:30p.m., Mon-Fri, Excl. Holidays **[served by eFiling only, since this The Court no longer accepts paper filings]**

* **CIVIL APPEALS DIVISION: Cook County, IL Circuit Court,** 312-603-5406, Richard J. Daley Center, 50 West Washington St., Room 801, Chicago, IL 60602 – Hours: 8:30a-4:30p, Mon-Fri, Excl. Holidays ; E-Mail: CivilAppeals@CookCountyCourt.com, Acting Chief Deputy Clerk, Sue L. Welfeld E-Mail: SLWelfeld@cookcountycourt.com, Assistant Chief Deputy Clerk, Gretchen L. Peterson E-Mail: GLPeterson@cookcountycourt.com

***Hon. Timothy C. Evans,** Chief Judge (Ph 312-603-6000, 4299, 4259 TTY: 6673) Circuit Court of Cook County, 50 W. Washington St., Room 2600, Richard J. Daley Center Chicago, IL 60602, Courtesy copy via: Timothy.Evans@CookCountyIL.gov **[served, as a courtesy, since he is not a party proper]**

* **Hon. James P. Flannery, Jr.,** Circuit Judge–Presiding Judge, Law Division 50 W. Washington St., Room 2005, Chicago, IL 60602, Ph:312-603-6343, Courtesy copy via: James.Flannery@CookCountyIL.gov **[served, as Judge Flannery is a defendant in the Mandamus proceedings]**

* **Law Division and Hon. Diane M. Shelley, Circuit Judge, Daley Center, 50 W. Washington St., Rm. 1912, Chicago, Illinois 60602** Law@CookCountyCourt.com ; ccc.LawCalendarW@CookcountyIL.gov ; Diane.Shelley@CookCountyIL.gov **[served, as Judge Shelley is a defendant in the Mandamus proceedings]** Cc: Michael.Otto@CookCountyIL.gov as a courtesy since he made key rulings in the underlying Chancery case, by the same case number—two of which were directed to defendant, Watts

* **Richard B. Daniggelis** [true owner of 1720] 312-774-4742, c/o John Daniggelis, 2150 North Lincoln Park West, Apartment #603, Chicago, IL 60614-4652 **[Not served, as Mr. Daniggelis has asked that service copies not be sent to him, which is permissible, since he has an attorney of record.]**

* **Richard B. Daniggelis (who receives mail, via USPS mail-forwarding at his old address)** 1720 North Sedgwick St., Chicago, IL 60614-5722 **[Not served, as Mr. Daniggelis has asked that service copies not be sent to him, which is permissible, since he has an attorney of record.]**

* **Andjelko Galic (Atty. for Richard B. Daniggelis)** (Atty#:33013) C:312-217-5433, Fx:312-986-1810, Ph:312-986-1510, AGForeclosureDefense@Gmail.com ; AndjelkoGalic@Hotmail.com 845 Sherwood Road, LaGrange Park, IL 60526-1547

* **Joe Younes:** 2625 West Farewell Avenue, Chicago, IL 60645-4522 JoeYounes@SbcGlobal.net

GMAC v. Watts, et al., 1-18-0091 (ILLINOIS First Appellate Court) Tue. 12 Mar. 2019

SERVICE LIST (continued)

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*** Peter King (Atty. for Joseph Younes)** (Atty. No.: 48761)
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*** Paul L. Shelton,** *Pro Se,* (Atty. #15323, disbarred per IARDC) E: PMSA136@Gmail.com ; PLShelton@SBCGlobal.net – 3 Grant Square, SUITE #363, Hinsdale, IL 60521-3351

*** Erika R. Rhone** 22711 Southbrook Dr., Sauk Village, IL 60411-4291, last known emails (see **Exhibit-G**) are as follows: Erika_Rhone@Yahoo.com, ERhone@AFLAC.com, RhoneE@gmail.com on information and belief (see Verification by Certification), and via trial and error from returned email process of elimination

*** Rosa M. Tumialán** (RTumialan@Dykema.com) (312) 876-1700, DYKEMA GOSSETT PLLC, 10 South Wacker Drive, Suite 2300 Chicago, IL 60606-7407 [Attorney for Appellee, GMAC MORTGAGE LLC k/n/a BANK OF AMERICA, N.A. aka LaSALLE BANK NATIONAL ASSOCIATION aka U.S. BANK N.A., as trustee for Morgan Stanley Loan Trust 2006-16AX]

*** Dawn Williams** (DWilliams@Dykema.com) (DPeacock@KentLaw.iit.edu) Note: Served to work address, as she has NOT been excused by Court as an attorney of record—but not served to personal email, as a courtesy, as she claims, via auto-responder email, to no longer work at DYKEMA. Phone: 616-776-7518, DYKEMA GOSSETT PLLC, 300 Ottawa Ave., N.W., Suite 700, Grand Rapids, MI 49503-2306 [Attorney for Appellee, GMAC MORTGAGE LLC k/n/a BANK OF AMERICA, N.A. aka LaSALLE BANK NATIONAL ASSOCIATION aka U.S. BANK N.A., as trustee for Morgan Stanley Loan Trust 2006-16AX]

****** UPDATE ****** **-- * "Atty. Justine A. Lewis, Esq."** (JLewis@Dykema.com), Senior Manager, Recruiting and Professional Development ** Justine Lewis, the person who owns the email above, informed me via email that she is neither an attorney nor a party to this case, and was entered into this case in error, based on an Internet Support Team (tech) error. My parse of the IARDC website confirms her claims that she is not an attorney, and a view of the style confirms she is not a party.

There is not such person as "Attorney A. Justine Lewis" in ILLINOIS, and such person does not exist. **Accordingly, I am removing the Non-Attorney manager who owns this email.**

**** SO NOTED AND UPDAED.**

GMAC v. Watts, et al., 1-18-0091 (ILLINOIS First Appellate Court) Tue. 12 Mar. 2019

SERVICE LIST (continued)

*** Robert J. More** (Anselm45@Gmail.com) [Note: **More's** name is **misspelled** on docket as: "**MOORE** ROBERT"] P.O. Box 6926, Chicago, IL, 60680-6926, PH: (708) 317-8812 **[[Mr. More has made a formal request by email to receive service solely by email, and waives hard-copy service.]]**

*** Associated Bank, N.A.,** 200 North Adams Street, Green Bay, WI 54301-5142 Web: https://www.AssociatedBank.com/about-us PH: (920)433-3200, (800)236-8866, or (800)682-4989, Email address: WeCare@associatedbank.com per: view-source:https://www.AssociatedBank.com/contact and: ShareHolders@AssociatedBank.com per: http://Investors.EquityApartments.com/drip.aspx?iid=100135 and ColleagueCare@AssociatedBank.com per: https://AllHispanicJobs.com/s/find-associated-bank-jobs-in-usa

*** MERS (Mortgage Electronic Registration Systems, Inc.)** https://www.MersInc.org/about-us/about-us a nominee for HLB Mortgage, (703) 761-0694 / (800)-646-MERS (6377) / 888-679-MERS (6377) ATTN: Sharon McGann Horstkamp, Esq., Corporate Counsel, Mortgagee: https://www.MersInc.org/component/content/article/8-about-us/401-sharon-horstkamp Senior Vice President, Chief Legal and Legislative Officer, and Corporate Secretary for MERSCORP Holdings, Inc. – PH: (703) 761-1270, FAX: (703) 748-0183, SharonH@MersInc.org ; SharonH@MersCorp.com Cc: Janis Smith, JanisS@MersCorp.com 703-738-0230, VP, Corp. Comm. is no longer with MersCorp, and Amy Moses (AmyM@MersCorp.com ; AmyM@MersInc.org) has replaced her as an email contact; Sandra Troutman 703-761-1274, E: SandraT@MersInc.org ; SandraT@MersCorp.com) Dir, Corporate Communications, Karmela Lejarde, Communications Manager, Tel~ 703-761-1274, Mobile: 703-772-7156, Email: KarmelaL@MersCorp.com **C/o: MERS (Mortgage Electronic Registration Systems, Inc.), 1901 East Vorhees Street, Suite 'C', Danville, IL 61834-4512**

*** COHON RAIZES®AL LLP (90192) (Atty for STEWART TITLE ILLINOIS)**
Removed from service list, and not served, as the court excused them as parties**: "As a result of the dismissal of Counts X and XI, Third party Stewart Title of Illinois n/k/a Stewart Title Company is no longer a party to this litigation."** *[See the 11/09/2012 ORDER for Voluntary Dismissal by Agreement in GMAC v. Daniggelis, 2007-CH-29738, the Chancery case underlying this case]*

*** Stewart Title, Attn: Leigh Curry**
Removed from service list, and not served, as the court excused them as parties—see above**.**

*** Richard Indyke, Esq.** Atty. No. 20584, (RIndyke@SBCGlobal.net ; 312-332-2828 ; 773-593-1915 most recent "Attorney of record" for LaSalle Bank Natl. Assn.), 111 South Washington Ave., Suite 105, Park Ridge, IL 60068-4292 **[[Mr. Indyke claims to not represent any party in the instant appeal, but the undersigned can not find any more recent atty of record for defendant, LaSalle Bank, and reluctantly will keep Mr. Indyke on the service list, unless excused by The Court.]]**

In the Appellate Court of Illinois, First District

Docket Number: 1-18-0091

GMAC Mortgage, LLC, **Plaintiffs,** **vs.** **Gordon Wayne Watts, et. al.,** **Defendants.**	) Appeal from the Circuit Court of Cook County, IL) County Department, Law Division)) **Circuit Court Case No.:** 2007-CH-29738) (Transfer into **Law Division** from Chancery))
Gordon Wayne Watts, **Appellant/Counter-Plaintiff,** **vs.** **Joseph Younes, Hon. Diane M. Shelley,** **Hon. James P. Flannery, et al.,** **Counter-Defendants.**	) **Trial Judge:** Hon. Diane M. Shelley (#1925)) **Notice of Appeal date:** Monday, 08 January 2018) **Judgment Date:** Wednesday, 07 December 2017) **Date of Post-judgment Motion:** None) **Order:** #5)) Supreme Court Rule(s) which confer(s) jurisdiction) upon the reviewing court: **Ill.Sup.Ct. R.301, 303**

CERTIFICATE AND AFFIDAVIT OF DELIVERY (aka: Certificate of Service)

* The undersigned **Defendant-Appellant, Gordon Wayne Watts,** hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above **"Motion *En Banc* for Reconsideration of Dismissal for alleged Want of Lack of Prosecution Concurrent with Motion for Summary Judgment," Verification by Certification, Index to exhibits, Proposed Order, NOTICE OF FILING, an updated/corrected SERVICE LIST, and this Certificate of Service, and attached EXHIBITS,** copies of which are attached hereto are being herewith served upon you—and upon the parties listed in the attached Service List, above **– today, this Tuesday, 13 August 2019,** via **the Odyssey eFileIL (TylerHost.net) Electronic Filing system** if they're e-file registered**.**

* I am NOT any parties via **First Class U.S. Postal Mail** *–as I customarily do (due to financial constraints), as Rule 11 does not require hard-copy service if email is used.*

* Additionally, I shall, when practically possible, post a TRUE COPY of this filing –and related filings **–online at my official websites, *infra*** –linked at the "Mortgage Fraud" story, dated Fri. 14 April 2017—see e.g., the "Open Source Docket" link in said news item.

* Lastly, I am concurrently effecting service via **e-mail.**

Respectfully submitted,

_____
(Actual Signature, if served upon clerk)
Gordon Wayne Watts

/s/ Gordon Wayne Watts
(Electronic Signature)
Gordon Wayne Watts

Gordon Wayne Watts, *pro se* [Code: '99500' = Non-Lawer, *pro se*]
821 Alicia Road, Lakeland, FL 33801-2113
PH: (863) 688-9880 [home] or (863) 409-2109 [cell]
Web: http://www.GordonWatts.com / http://www.GordonWayneWatts.com
Email: Gww1210@aol.com / Gww1210@gmail.com

Case: 1:19-cv-03473 Document #: 39 Filed: 03/19/20 Page 33 of 131 PageID #:457

To COURT
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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Gordon Wayne Watts, Individually,
and on behalf of similarly situated
persons (some, but not all, whom are
named in the instant complaint)

Lead Plaintiff,

vs. **Case No: 8:19-cv-829-T-36CPT**

* Circuit Court of Cook County, Illinois ; and,

Hon. JAMES P. FLANNERY, JR., **in his Individual Capacity – and in his Official Capacity as** Presiding Judge, Law Division, Cook County, IL circuit court ;
Hon. DIANE M. SHELLEY, **in her Individual Capacity – and in her Official Capacity as** Circuit Judge, Law Division, Cook County, IL circuit court ;
Hon. MICHAEL F. OTTO, **in his Individual Capacity – and in his Official Capacity as** Associate Judge, Chancery Division, Cook County, IL circuit court ; and,

* Appellate Court of STATE OF ILLINOIS, First District ; and,

JUSTICE DANIEL J. PIERCE ; JUSTICE MARY L. MIKVA ; JUSTICE JOHN C. GRIFFIN ; JUSTICE MARY ANNE MASON ; JUSTICE TERRENCE J. LAVIN ; JUSTICE MICHAEL B. HYMAN ; and, JUSTICE CARL ANTHONY WALKER ; **in their Individual Capacities – and, in their Official Capacity as** Justices for the First District Appellate Court of STATE OF ILLINOIS,

Defendants.

/

Amended **VERIFIED COMPLAINT and REQUEST for Declaratory and Injunctive relief; For unspecified monetary damages ; Request for Certification as a Class (Class Action) ; For R.I.C.O. Certification; and, Incorporated MEMORANDUM OF LAW**

Pursuant to R.15, Fed.R.Civ.P., Plaintiff is filing this amended complaint once within the 21-day time-limit after service to **This Court;** and, pursuant to local Rule 4.01(a), does now "file the amended pleading in its entirety with the amendments incorporated therein." Plaintiff, Gordon Wayne Watts, ***pro se,*** hereby sues the defendants, and alleges as follows:

I. INTRODUCTION

1. Plaintiff is an individual, representing himself ***pro se,*** with residence located at

2046 Pleasant Acre Drive, Plant City, Florida 33566-7511, and whose residence, during the majority of the litigation underpinning this complaint, was at 821 Alicia Road, Lakeland, Florida 33801-2113, until his landlord gave notification of a planned demolition of the property, and requisite eviction of the tenants, which included Plaintiff, Watts. [This is mentioned to verify that the "Gordon Watts from Lakeland" who signed paperwork in underlying litigation is the same "Gordon Watts in Plant City" filing the instant complaint.]

2. Plaintiff, Watts, is not a lawyer, but he is:

[[A]] the same "Gordon Watts" who nearly won **the infamous "Terri Schiavo" case all by himself, in proceedings before** the Florida Supreme Court. **[See Exhibit-A]** ; and:

[[B]] the same "Gordon Watts" who was the only ***pro se*** (non-lawyer) litigant which the U.S. 11TH CIRCUIT Federal Appeals Court allowed to submit an *Amicus Curiae* (Friend of the Court) brief in the recent consolidated "Gay Marriage" cases **[See Exhibit-B]** ; and:

[[C]] the same "Gordon Watts" who wrote 2 columns and 1 letter to *The Lakeland Ledger* with very embarrassing allegations of social media blocking and claims of promises made by his good friend, former Congressman, Dennis A. Ross, of Lakeland, Florida. **[See Exhibit-C]**

3. Plaintiff includes these "off-topic" items in point #2, above, in order to assure **This Court** that while the instant complaint may be a "difficult" legal matter (both politically difficult, in accusing almost entire state court system of serious 42 U.S.C. 1983 violations, *and* legally-complex, as well), that the plaintiff, while human, has demonstrated that he can be trusted to not waste a reader's time: Specifically, he did better in court than Gov. Jeb Bush in the *Schiavo* case, almost winning it (and thus can be trusted to present a coherent legal

presentation to This Court). Moreover, no matter your views on Higher Ed economics or social media bullying (the 2 subjects of the columns and letter which plaintiff wrote for the paper), **the "relevant" point for This Court is plain-and-simple:** *The Lakeland Ledger* refused to publish anything about what the lawmaker allegedly said in town halls and/or did when rogue staff (which later got fired for this) were "blocking" people on the official governmental social media of said congressman—**until the writer (Plaintiff, Watts) offered cited sources and documented proof** of all such allegations. Therefore, Plaintiff includes this "off-topic" material (in point #2, above) to show **This Court** that while he makes **'strong' allegations of fact and law,** about what he alleges are "corrupt" ILLINOIS Courts, plaintiff can be trusted to be both academically coherent (legal bases) as well as morally-trustworthy (to only allege what actually happened, and not exaggerate or "make up" stuff out of revenge or anger or frustration with bad state court decisions), – and be able to document all allegations.

4. Named defendants, in the caption, acting under Colour of Law, not only deprived Plaintiff, Watts, of his Due Process (causing great monetary loss), but also placed the **life and health** of another party (who is elderly) in grave danger, by virtue of title-theft of his Home, Land, & a documented **[see: point 42. of Exhibit-N]** Hundreds of Thousands of dollars of equity in said property. Since making an elderly person homeless necessarily **places ones life and health in danger,** this fact is being stated "up front" to give This Court a "head's up" as to why Plaintiff, Watts, seeks injunctive relief (and may, if it becomes necessary to avoid irreparable and imminent harm, seek TRO relief), as cited in the title of this complaint.

5. Plaintiff shall include a representative sample of **legal documentation** in this complaint, to help the court understand –and verify –and grasp the complaint; **however, due to limitations on computer printer capabilities,** some of the documentation may have to be submitted in one of four (4) *other* ways: **(1.)** Plaintiff has posted ALL documents in question on 2 mirrors online, which can be accessed at the **"Mortgage Fraud" story, dated Fri. 14 April 2017**—see e.g., the "Open Source Docket" link in said **"front-page news"** item at either https://GordonWatts.com (Hosted by GoDaddy in Mesa, AZ) or https://GordonWayneWatts.com (Hosted by HostGator in Dallas, TX) ; **(2.)** Alternatively, Plaintiff hopes to motion This Court for **CM/ECF** privileges and submit key docs electronically ; **(3.)** This Court can order the state courts in question to submit filings (but this isn't favoured, as it's slow & tedious) ; **(4.)** Lastly, This Court can simply take my word on assertions of fact (but this isn't favoured, as it would probably violate both the Due Process of the defendants, and most certainly violate the moral underpinnings of Fair Play).

II. PARTIES TO THE CASE (summary)

6. "Defendant" parties to the complaint are all named in caption. However, there are several more potential "plaintiff" parties **[see par.85, below],** whose Federal Civil Rights were deprived in the underlying state actions. Lead plaintiff, Gordon Wayne Watts, not being a lawyer, doesn't know if it's appropriate to include all of them in the caption, as we're unable to get a lawyer to properly address "how to" include all "class action" parties in a complaint. But, lead plaintiff, Watts, hopes to motion This Court to include Richard Daniggelis (whose house and land were taken in title theft, and who owes Watts **much documented monies** for

research, tech/computer help, etc.—see **EXHIBIT-L** for said documentation). Daniggelis' attorney, Andjelko Galic, and Robert J. More, a former tenant of Daniggelis. There are also more potential class parties, as I represent to This Court that I've been contacted by some of my blog's readers that they, too, have had their Civil Rights deprived by ILLINOIS STATE COURTS, but, as yet, I have no further information.

III. PRELIMINARY STATEMENT

7. **Defendants violated numerous national laws, statutes, ordinances, & regulations, including but not limited to:** Federal Due Process & 1st Amendment rights of Redress & access to the courts and the ability to have meaningful access to appeal an adverse decision, under the 5th amendment (as incorporated to the states through the 14th amendment), as well as Federal Equal Protection for said access on "equal basis" as protected by 14th amendment and relevant Federal case law. **The overt acts of fraud and collusion in this matter, which were engaged in by the defendants to deprive Gordon Wayne Watts *(and other members of the plaintiff class)* of his *(their)* Federal Civil Rights [and which give rise to a R.I.C.O. (Racketeer Influenced and Corrupt Organizations Act) claim], include, but are not limited to: [[a]]** blatant lies by the appeals court about its alleged lack of authority to hear appeals, **[[b]]** blatant lies by the appeals court about its alleged lack of authority to **hear / grant** "Rule 321" motions to limit the record (to an amount that Plaintiff, Watts, could afford), **[[c]]** requiring an impossibly-expensive fee to produce decades of court records for things such as a simple IFP *(In Forma Pauperis)* petition/application to proceed without payment of fees, and **[[d]]** collusion by circuit court

judges to ensure that a proper motion for intervention was not going to be heard on the merits at the circuit court level, as well as **[[e]]** collusion between the circuit and appellate court to ensure that a "limited record" – which Plaintiff, Watts, could afford, **wouldn't** be permitted, thus resulting in Plaintiff having only two (2) choices: [[#1]] Either pay an estimated TEN THOUSAND ($10,000.oo) DOLLARS for a simple appeal & request for Summary Judgment, –or else [[#2]] be deprived of access to appeal an adverse decision. Point [[e]] was accomplished by R.I.C.O. cooperation between Circuit and Appellate judges to deny the Rule 321 motion, evident by the fact that both courts had such authority. The result was lack of ability to appeal an adverse decision, unless one had tens of thousands of dollars handy—to order up the entire 'Record on Appeal' to gain access to for appeals court review.

IV. BASIS FOR JURISDICTION and VENUE / NATURE OF SUIT – ORIGIN

8. The **nature** of this complaint is a 42 U.S.C. §1983 Civil Rights basis, and its **origin** is an original proceeding, filed in the Federal Circuit Court, under Rule 3, Fed.R.Civ.P., Commencing an Action. Plaintiff brings this action under 42 U.S.C. §§1983 and 1988, to redress the deprivation under colour of state law (both facial, and as applied—specifically, the ILLINOIS state law, "Rule 321," which prohibits access to appeal an adverse decision if "the entire" record is not produced—even for simple decisions like IFP applications).

9. This court has **territorial jurisdiction** because plaintiff lives within the Tampa Division of the Middle District of Florida, U.S. District Court. This Court also has **subject-matter jurisdiction** over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).

10. Moreover, This Court has authority and jurisdiction to enter **declaratory judgment** and to provide both **preliminary and permanent injunctive relief** pursuant to Rules 57 (Declaratory Judgment) and 65 (Injunctions and Restraining Orders), Fed.R.Civ.P., and 28 U.S.C. §§2201 (Creation of remedy) and 2202 (Further relief) – as well as "Issuing Without Notice" a **Temporary Restraining Order** pursuant to Rule 65(b), to prevent "irreparable injury, loss, or damage." **Rule 57** provides that "The existence of another adequate remedy does not preclude a **declaratory judgment** that is otherwise appropriate."

11. This Court has **personal jurisdiction** over defendants, via "Long Arm Jurisdiction": Rule 4(k)(1)(A), Fed.R.Civ.P., provides that "Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant: who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located," which means that if Florida's state laws confer personal jurisdiction in state matters, then This Court can use R.4(k)(1)(A) to "piggyback" onto Florida's long-arm statutes.

12. Florida's "Long-Arm" statute is **§48.193,** which provides that: "A person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her personal representative to the jurisdiction of the courts of this state for any cause of action arising from any of the following acts: … Committing a tortious act within this state." **§48.193(1)(a)(2.), Fla.Stats. (2018).** Moreover, in ***Posner v. Essex Ins. Co., Ltd.,*** 178 F.3d 1209 (Fla. Dist. Ct. App. 1999), the Circuit Court of Appeals for the 11th Circuit (our circuit) held that under the Florida long-arm statute, the court may assert

personal jurisdiction over nonresident for tortious act committed outside the state that causes injury inside the state—which, of course, applies here, as ILLINOIS STATE COURTS, and their employees, in their Individual Capacities, have indeed committed numerous tortious acts. So, This Court has personal jurisdiction—if it meets Federal caselaw standards (below).

13. The U.S. Supreme Court, in ***International Shoe v. Washington*, 326 U.S. 310 (1945)** and later on in ***World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980),** has held that a person must have minimum contacts with a State, in order for a court in one state to assert personal jurisdiction over a defendant from another state. ***Int'l Shoe*** held that held that for a defendant to have "minimum contacts," the defendant needs some combination of the two following factors: ((1)) systematic and continuous activity within the forum jurisdiction; and ((2)) a cause of action arising from that activity. In ***Asahi Metal Industry Co. v. Superior Court*, 480 U.S. 102 (1987),** the Supreme Court clarified that even when the defendant has a minimum contact, a court's asserting jurisdiction over the defendant may still be improper as if it would be unfair to the defendant: ***Asahi Metal*** held that "Long-Arm" Personal Jurisdiction over an out-of-state defendant should be evaluated according to the following five factors: [[1]] burden on the defendant, [[2]] interests of the forum state, [[3]] interests of the plaintiff in choosing the forum, [[4]] efficiency concerns, and [[5]] interstate policy interests.

14. There was both "systematic and continuous activity within the forum jurisdiction" (by virtue of the numerous tortious acts committed under colour of law), as well as a "cause of action" (namely the Civil Rights deprivations cited above in this complaint), which

satisfies ***Int'l Shoe.*** Evaluating the factors in ***Asahi Metal,*** it is clear that "interstate policy interests" in clearing up long-held & well-known corruption in ILLINOIS and CHICAGO courts **is** favourable to asserting personal jurisdiction. Moreover, the burden on the defendants in litigating out-of-state is minimal because they have the time and resources to both participate electronically (teleconferencing), as well as travel (should they need to). Plaintiff, on the other hand, beleaguered by poverty, has interests in avoiding the possible risks of having to travel to a circuit court in ILLINOIS, as well, as face "venue bias" for asking a local circuit judge to – basically – say that a huge portion of that state's judges (whom he or she would likely know on first-name basis) are committing civil, and possibly criminal, torts. Lastly, efficiency concerns (especially time-saved in declining to transfer the case under review, here) weigh heavily in favour of asserting personal jurisdiction over defendants, and declining to invoke 28 USC §1404(a) (Change of venue).

V. VENUE is proper in the Middle District of Florida

15. This Court has jurisdiction, and venue is proper in this district (28 USC §1391). "A civil action may be brought in...a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." **(28 USC §1391(b)(2), Venue generally)**

16. ***Fuji Photo v. Lexar Media*, 415 F.Supp.2d 370, 373 (S.D.N.Y. 2006)** held that for a change of venue to be granted, The Court must establish not only whether a transfer is even possible (it is, under 28 USC §1391(b)(1)), but also whether the convenience of the parties and the interest of justice favor transfer. (It **doesn't:** See above.) **Moreover:** "[T]he

parties seeking transfer [that would be an ILLINOIS defendant, should he/she so move This Court] carries the burden of making out a strong case for transfer." ***New York Marine v. Lafarge*, 599 F.3d 102, 114 (2d Cir. 2010)** and must point to clear and convincing evidence on which the court can base its decision. ***Lewis-Gursky v. Citigroup*, 2015 WL 8675449, *2 (S.D.N.Y. Dec. 11, 2015).** Indeed, the moving party "bears the burden of clearly establishing that these factors favor transfer." ***Citigroup v. City Holding*, 97 F.Supp.2d 549, 561 (S.D.N.Y. 2000). While these cases were from New York's 2nd Circuit, they are good guidelines – and agree with our circuit, the 11th Circuit, as well: The Eleventh Circuit** has recognized that a "plaintiff's choice of forum should not be disturbed unless it is clearly outweighed by other considerations." ***Robinson v. Giarmarco & Bill*, P.C., 74 F.3d 253, 260 (11th Cir. 1996)** (quotation and citation omitted); see ***Response Reward Sys., L.C. v. Meijer, Inc., 189 F. Supp. 2d 1332, 1339 (M.D. Fla. 2002)** (stating that "[o]nly if the [p]laintiff's choice [of forum] is clearly outweighed by considerations of convenience, cost, judicial economy and expeditious discovery and trial process should this Court disregard the choice of forum and transfer the action" (citation omitted)). **Indeed:** "Generally, in determining the merits of a § 1404(a) motion to transfer, this Court gives strong consideration to the plaintiff's choice of forum." ***Suomen Colorize Oy v. DISH Network, L.L.C.*, 801 F. Supp. 2d 1334, 1338 (M.D. Fla. 2011). [Which is <u>our</u> district, the Middle District of Florida.]**

<u>17.</u> Therefore, venue is proper in the Middle District of Florida, and **This Court** may, here & now, via Long-Arm Jurisdiction over out-of-state plaintiffs (the Federal analogue to the 'Sword Wielder' principle), exercise personal jurisdiction <u>and</u> retain venue—

in order to speedily execute justice for all aggrieved parties –one of whom is very elderly, **and was made homeless (thus putting his life & health in jeopardy)** through deprivation of his Federal Civil Rights by ILLINOIS State Courts—acting under Colour of Law.

VI. STATEMENT of the FACTS PERTAINING to the CASE

18. In early 2006, Richard B. Daniggelis (a friend of Plaintiff, Gordon Wayne Watts), began having trouble paying on the mortgage for his house and land, and sought refinance assistance from Paul L. Shelton (a former attorney who was subsequently disbarred—**for mortgage fraud**—by the ILLINOIS STATE BAR—The Court may Google to verify), and Attorney Joseph Younes (who was Shelton's law partner at the time).

19. On May 12, 2006, Daniggelis signed an agreement with Shelton to let Shelton hold his house's warranty deed (title) in escrow, solely for the purposes of refinancing, with a "protection" clause in the contract, declaring the contract "null and void" if the closing didn't take place by May 19, 2006. (Elderly Mr. Daniggelis put that "time-restriction" in the contract to protect himself against title-theft Mortgage Fraud.) **[See Exhibit-D]**

20. Daniggelis obtained a signed statement, **dated May 19, 2006,** from Erika Rhone, who was working with Shelton and Younes, in which she declared that any POA (Power of Attorney) powers she might obtain were to be used solely for the refinancing described in the previous contract. (Elderly Mr. Daniggelis put that "use-restriction" in this contract to protect himself against title-theft Mortgage Fraud.) **[See Exhibit-E]**

21. On 10/17/2007, slightly over a decade ago, GMAC MORTGAGE LLC, who was owed monies by Mr. Daniggelis, filed suit in Cook County, IL Chancery, Circuit Court,

to foreclose on Daniggelis' house and property because he was underwater (owed) on his mortgage. **[See Watts' online docket]** Daniggelis subsequently retained Andjelko Galic, Esq.

22. On 7/24/2012, then-Chancery-Judge Mathias William DeLort (who was promoted to the appellate court) issued a ruling, royally chewing out Galic for focusing too much on a spotty record of written transfer documents (including, of course, the infamous "Linda Green" assignment fraud issues) instead of focusing on the actual mortgage fraud in question, **which was later found to be genuine, and admitted forgery of Daniggelis' signature.**

23. On 2/15/2013, Associate Judge Michael F. Otto (Chancery Division) granted a summary judgment motion of Atty. Joseph Younes, apparently holding that Daniggelis was not owner (but not ordering a change of title at that time).

24. On 3/8/2013, Judge Otto entered a 9-page Order **[see Exhibit-F], admitting** that the July 9, 2006 warranty deed "is in most respects identical" to the May 9, 2006 warranty deed that Daniggelis signed (except, of course, for the word 'July' being hand-written in), which supports Daniggelis claims that there was photocopy forgery of his signature, which forgery - all by itself - would void the entire illegal transfer of title. **[Ex.-F, p.4, top of page]**

25. Even though Judge Otto admitted the basic facts proving a felony photocopy forgery fraud (title-theft Mortgage Fraud), it is documented that neither he, nor any other judge, has ever reversed his order handing over title to Younes, in which Daniggelis **didn't get paid a even a penny for the loss of his house, land, and the documented** (by court records—see point 42 of **EXHIBIT-N) several hundred thousand dollars of equity he had in it.** (See also Watts' filing before the ILLINOIS SUPREME COURT, dated 4/20/2018 and

7/19/2018, in case no.: 123481, ***Watts v. Flannery et. al.,*** for a deeper discussion.)

26. On 5/15/2014, Judge Otto entered an order, formally finding Atty. Joseph Younes, Esq. to be the owner of the property in question—and handing Younes the title to Daniggelis' house and land, which had a documented several hundred thousand dollars of equity in it—even though Daniggelis is documented to not having ever gotten paid even a dime.

27. Based on what Daniggelis told Watts, in a numerous phone conversations, Watts represents to This Court (upon information and belief) that Daniggelis jumped up in court that say, and yelled at Judge Otto, to the effect: "Hey, how can you hand title over of my house, if your court has already admitted that I'm a victim of fraud, and allowing a judgment against Stewart Title – forcing them to settle with me**!?**"

28. Upon information and belief, Watts represents to This Court that Judge Otto got nervous, and explained that he would – instead – be transferring the case to The Law Division—apparently in response to having been caught using the "colour of law" to aid and abet a title theft, thus depriving Daniggelis of his Civil Rights.

29. Subsequently, Watts spoke by phone with Daniggelis, who related that both copies of the Warranty Deeds on file had EXACTLY the same signature, proving his claims that there was a forgery-based Mortgage Fraud-type title theft **of his house / land / equity.**

30. Watts, who respects Mr. Daniggelis, like an uncle or grandfather, became upset, and ordered (under Public Records access) records from the Cook County, ILLINOIS circuit court, and verified the accuracy of Daniggelis' claims: Both signatures were identical, impossible for a mere mortal, thus proving a "photocopy-based" forgery of a 2nd Warranty

Deed, when the 1st deal fell through—thus enabling the title theft of said house and land.

31. In early to mid August 2015, Watts filed an *Amicus Curiae* brief with both circuit court **[see: Exhibit-K],** and appellate court, both of which were reviewing issues with Daniggelis' foreclosure (aka Mortgage Fraud) case. Both courts subsequently denied Watts' *Amicus* motions. Watts disagreed with these rulings, appealing one for a time, but chose not to complain to **This Court** about the 'bad' *Amicus* rulings, since *amicus* filings are discretionary, not obligatory: An *Amicus Curiae* doesn't have standing to assert Due Process.

32. All along, Watts was doing online research, helping to procure records from both the courts and the Internet, for Daniggelis (who didn't use a computer). Additionally, Watts was helping Daniggelis learn to use a computer, Internet, e-mail, etc. Daniggelis agreed to pay Watts a very large, but unspecified, amount of monies for his labour, but was—at that time—unable to pay Watts anything because he was dealing with loss of a house, homelessness, having to put things in storage, and physical & emotional stress on an elderly person who is the victim of courts' aiding/abetting of title theft of his house, land, & equity.

33. On 07/06/2017 (Court-stamped on "07/07/2017," when it arrived by overnight 1st Class U.S. Postal Mail, the next day), asserting his absolute rights under intervention law of The State of Illinois, Watts immediately filed an Intervention action in the Circuit Court, **Law Division,** of Cook County ILLINOIS, the Division to which the foreclosure / fraud case was transferred—to protect his interests in regard to, *inter alia,* monies owed to him by Daniggelis—and documented said claims. **(See: Exhibit-L)**

34. No one contested Watts' allegations on monies owed him, which is legally-binding

upon ILLINOIS courts and litigants: Per **735 ILCS 5/15-1506(a),** that which the other parties to this case don't deny is admitted, Thus, the "law of the case" is that Watts has huge monetary interests (e.g., "sufficiency of interest," one of the three (3) prongs necessary to assert Intervention—see e.g., this quotation of Illinois statutory and case law:

> ILLINOIS state law: **735 ILCS 5/2-408(a)(2)** grants intervention as an absolute right because "the representation of the applicant's interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the action." ILLINOIS state law grants intervention as an absolute right because: **735 ILCS 5/2-408(a)(3)** because "the applicant is so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or disposition of the court or a court officer." **ILLINOIS case-law governing Intervention** holds that: Where intervention as of right is asserted, "the trial court's jurisdiction is limited to determining timeliness, inadequacy of representation and sufficiency of interest; once these threshold requirements have been met, the plain meaning of the statute directs that the petition be granted." See: ***City of Chicago v. John Hancock Mutual Life Ins. Co.,*** **127 Ill.App.3d 140, 144 (1st Dist. 1984).**

35. Daniggelis' attorney, Andjelko Galic (as the record amply shows) failed to prosecute the case, eventually getting dismissed at every level, & thus didn't represent anyone's interests, at that point. Watts, sensing Daniggelis' attorney wasn't representing his interests, moved for Intervention, asserting "inadequacy of representation."

36. Trial court never ruled on Watts' Motion for Intervention, filed & court-stamped on 7-7-2017, even though the court stamp **(see: Exhibit-L)** documents that it was received.

37. On 12/17/2017, Circuit Judge, Diane M. Shelley, entered an order granting Galic's motion for non-suit (aka voluntary dismissal), in **case number 2007-CH-29738, *GMAC v. Younes, et. al.,*** in the Law Division, after the case was transferred there from Chancery.

38. Watts, in reliance of seeing his name on the docket **(see: EXHIBIT-O),** and in

reliance of what clerks repeatedly told him, believed that his name being listed as "Defendant" was proof that his Intervention motion had been granted—and that he was now a party to the case, with legal standing to file documents, appeal rulings, etc. [See court's official docket, which lists Watts as a Defendant, and thus a party to the case, links and screen-shots of which are **included here as 'Exhibit-O'** – and also in state court filings.]

39. On 01/08/2018, Watts filed a timely Notice of Appeal of said order, with the ILLINOIS First Appellate Court. [Docketed case #: **1-18-0091** before the 1st App. court]

40. On 01/19/2018, the appeals court granted his fee waiver application, so Watts wouldn't have to pay the small, approximately fifty ($50.00) dollar fee. (IL Supreme Court Rule 313). However, on **03/01/2018,** Judge James Flannery denied Watts fee waiver application, applicable for the circuit court's fees. Both courts have the same standards for indigent applicants, and Watts, a Food Stamp recipient, easily qualified.

41. Judge Flannery's 03/01/2018 order (see: Exhibit-M) claimed that the court never granted leave (permission) to intervene, and thus Watts wasn't a party, with legal standing to be entitled to fee waiver, in spite of Watts' name being clearly displayed on the official court docket as the second-lead defendant, just under Daniggelis' name—and without any explanation as to why Intervention might, legally, be denied. On **3/19/2018,** Watts sought Mandamus relief from the 1st Appellate Court to compel Flannery to do his ministerial duty and grant the fee waiver application, intervention, & preparation of a record on appeal for the 1-18-0091 appeal, which was (and still is) pending the Appeals court's receiving the record on appeal. The mandamus petition was assigned case number **1-18-0538** in the appeals court.

42. Watts was dissatisfied with Flannery's ruling (Denying Fee Waiver application, Intervention, and preparation of the record on appeal for 1-18-0091, which is still pending, as I speak/write), and appealed that adverse order. The appeals court docketed it on **03/22/2018, and assigned it case number 1-18-0572.**

43. The appeals court allowed Watts to prosecute his appeal of **1-18-0572** without payment of the fee, but Watts, knowing that his prior application has been denied by Flannery for 1-18-0091, declined to ask the circuit court again for fee waiver.

44. On 04/20/2018, Watts moved the appeals court for **Summary Judgment** of his appeal in case number 1-18-0572, which was simply an appeal of Flannery's order denying Fee Waiver. Shortly thereafter (on 05/02/2018), Atty. Rosa M. Tumialán, and one other attorney, who has reportedly quit her law firm, entered an appearance for Plaintiff, GMAC, but did nothing further than enter an appearance.

45. The following day, on 05/03/2018 (the same day that Watts' father, Bobby Watts, unexpectedly passed away), the appeals court entered an order denying summary judgment in appeal number **1-18-0572**—a simple "Fee Waiver" matter, for which Watts qualified.

46. On 05/09/2018, the ILLINOIS Supreme Court entered an order denying Watts' petition for a Supervisory Order to compel the circuit and appeals courts to obey the law with regard to Intervention, Fee Waiver, and Preparation of the Record on Appeal.

47. On 08/28/2018, the appeals court dismissed appeal number **1-18-0572** (an appeal of Judge Flannery's order fee denying waiver), alleging "want of prosecution," in spite of the fact that it was an appeal of a simple fee waiver denial, not a "complex" matter.

48. On 09/28/2018, the appeals court entered an order denying Watts' petition for a Writ of Mandamus, **appeal number 1-18-0538,** and justifying that it was: **"**DISMISSED for lack of this Court's jurisdiction**," an obvious lie,** in light of clear case law and Illinois State Constitutional provisions which ***explicitly*** permit an ILLINOIS appellate state court to issue Writs of Mandamus. Subsequently, the appeals court, in an order dated, **11/29/2018,** denied a timely motion for reconsideration of its **09/28/18** order—without any explanation as to why its court allegedly lacked jurisdiction to issue such writs.

49. Watts, recalling an e-mail reply from then-Deputy Chief of Civil Appeals, Patricia O'Brien, that the record on appeal was very, very huge ("Boxes") **[See Exhibit-G],** and the docket was very, very lengthy, Watts knew that it would likely cost thousands, perhaps tens of thousands, of dollars to pay for a "complete" Record on Appeal.

50. Watts represents to This Court that he inquired of the cost, and as both his recollection, and O'Brien's e-mail reply indicate, the circuit court was unwilling and/or unable to give an estimate of the costs of prep of the entire common law record in this case—a requirement for a litigant who wants to appeal, unless the record can get limited.

51. Illinois rules only allow for a "limited" record by stipulation (agreement among all the parties—very hard, if not impossible, for warring factions), or grant of a 'Rule 321' motion, which gives both circuit and appeals courts authority to allows a "limited" (read: smaller, and thus not cost-prohibitively unaffordable) Record on Appeal.

52. On 02/27/2019, Watts filed a "Rule 321 motion to limit Contents of the Record on Appeal" with the appeals court **(see: Exhibit-I),** so he could get access to the appeals court.

53. **On 03/08/2019 (see last item in Exhibit-M),** the appeals court entered an order granting the motion to extend time to file Record on Appeal (and has granted similar motions to extend time for this one case that is still "alive," namely: **1-18-0091,** the other two appeals having been dismissed). However, in that same order, the court (Justices Mikva, Griffin, & Walker, for the court), said that: "Appellant is advised that this court **cannot** issue an order determining the contents of the record to be provided by the circuit court. All issues regarding the record must be addressed with the circuit court," *(emphasis/underline added)* **in spite of clear language** of ILLINOIS Supreme Court Rule 321, showing they **can** do so.)

54. **In that same order, dated 03/08/2019,** the appeals court declared that: "This is the FINAL EXTENSION that will be allowed for filing the record. If the record is not filed by May 28, 2019, this appeal will be dismissed for want of prosecution," **which roughly translates to:** "we will be soon punishing you, and dismissing your appeal – for failing to file a record, even though **it is clearly our fault that you can't file** an affordable record, much-smaller, for your open-and-shut case."

55. Lead Plaintiff, Gordon Wayne Watts (as documented in filings before these ILLINOIS state courts) has experienced numerous hardships, including (but not limited to), his father passing away (Bobby Watts: 01-27-1935 — 05-03-2018), Watts, himself, almost dying the following month due to a bad reaction to OTC (over the counter) pain meds, and nearly bleeding to death with a G.I. (gastrointestinal) bleed, and then, he and his mother getting evicted, and having to move all their life's belongings to the family house – which then needed extensive cleaning and repair before it could be livable. This is relevant to show

two (2) things: First, it helps explain slowness and time-gaps in filing on some occasions, on the part of Watts, and secondly, it gives an idea of how a person is already under heavy life-stresses, and thus more vulnerable (and helpless) in the face of serious deprivations of liberty, one of which made an elderly man homeless, thus being no small jeopardy to both his life and health. (The second point, in general, references both Watts, whose hardships are summarised, and Daniggelis, who is elderly and was made homeless by the title-theft styled Mortgage Fraud, facilitated by what even the trial court admitted was, basically, a duplicate signature type forgery.)

56. When it became clear that Illinois circuit and appellate courts, *both of whom had "Rule 321" jurisdiction to "limit the record (on appeal)" to an amount that was affordable (thus allow Watts a chance to seek appellate review of the decision denying him intervention, where he had/has great interests, financial & emotional, to name a few),* **decided to "pass the buck" back and forth, and deny Watts access** to have his redress reviewed on the merits (by either circuit *or* appeals courts), **then Lead Plaintiff, Watts,** invoked the jurisdiction of **This Court** to seek redress of the numerous Federal Civil Rights denials done by state actors acting under the "colour of law," **and is doing so, here and now, by this "amended" brief, here—correcting numerous typos in the original complaint.**

VII. MEMORANDUM OF LAW [[42 U.S.C. §1983]]

57. In order to establish liability under §1983, the plaintiff must prove that he has been deprived of a federal statutory or constitutional right by someone acting "under color of" state law. ***Parratt v. Taylor*, 451 U.S. 527, 535 (1981).** *See also* ***Lugar v. Edmonson Oil***

Co., **457 U.S. 922 (1982)** ("state action" under Fourteenth Amendment equated with "under color of law" for Section 1983 purposes). Well-established rule that the **Eleventh Amendment** generally does not bar suits for damages against state officers, so long as those officers are sued in their individual capacities. See, e.g., ***Kentucky v. Graham,* 473 U.S. 159, 165-66, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985).** All government employees are "persons" under §1983 and can be sued for anything they do at work that violates clearly established constitutional rights. ***Hafer v. Melo,* 502 U.S. (1991).** In addition, the Supreme Court has held that the state has immunity from suit in federal court under the 11th Amendment to the Constitution. ***Quern v. Jordan,* 440 U.S. 332 (1979).** As the Supreme Court stated in ***United States v. Classic*, 313 U.S. 299, 326 (1941),** "[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken `under color of' state law."

58. So, that means that This Court can only issue, say, injunctive or declaratory relief against the ILLINOIS state circuit and appellate courts**; however,** state actors can be sued in their individual capacities for monetary damages: **11th Am.** generally doesn't bar such suits.

59. Preliminary Note: While the list of defendants is great, PLAINTIFF, GORDON WAYNE WATTS is not suing **all** judges who issued adverse orders against him**:** While some orders may be 'bad' or 'wrong,' some of the 'bad' rulings were on matters in which the court had "discretion" to say 'no,' such as a motion for *amicus*. **This fact is important in showing that Plaintiff, Watts, while not an attorney, does respect the Rule of Law, and isn't seeking to "sue everybody" in a frivolous filing like a vexatious litigant.**

VIII. CAUSES of ACTION / CLAIMS for RELIEF

Count 1: Deprivation of a right without Due Process of Law

60. In the state court filings (see online docket links provided by Plaintiff), the term "Jury Demand" was all over over the docket, but, as the record shows, elderly Daniggelis' house, land, & HUNDREDS OF THOUSANDS OF DOLLARS IN DOCUMENTED EQUITY were taken from him, without even one single jury of his peers. He had a **right** to own & possess his house without theft. **Judge Michael F. Otto is named here,** as he had authority to either prevent title-theft, or, if he insisted in handing over title, to at least allow Daniggelis his right to trial by jury. Judge Otto knew there was fraud (see point #25, above). Moreover, in subsequent filings, he denied the *Amicus* brief of WATTS **(see: Exhibits P & Q),** which, while 'bad',' was well-within his rights. However, he read Watts' *amicus* **(Exhibit-K)**, where Watts gave additional documented proof of forgery fraud. **So, Judge Otto is without excuse.**

Count 2: Emotional pain / suffering via false statements, libel, under Colour of Law

61. In his Order dated 12-7-2015 (par.2, page 3 of **EXHIBIT-Q),** Otto falsely claimed that Watts bragged that he "should be allowed to engage in the tactics of a vexatious litigant," which statement is **FALSE.** It never happened. This inflicted unnecessary pain upon Watts.

Count 3: Deprivation of a right without Due Process of Law – again

62. The Intervention filed by Watts **(see: Exhibit-L)** documented in excruciating detail claims of interests, fees, receipts, & costs. Even if the court ruled "against" Watts' INTERVENTION motion, that might not constitute a Due Process violation, but **Judge Diane M. Shelley** got multiple copies (both printed, emailed, via e-filing, & even posted in

WATTS' own docket –see certificates of service, mailing receipts, posted email, etc.), and, with clear *mens rea* (criminal intent, not something just done "by accident," mind you), Judge Shelley purposely refused to issue an explicit ruling on the Intervention motion, which gave Judge Flannery an 'excuse' to deny Watts' Application to proceed via Fee Waiver. This, in turn, prevented Watts from ordering the record on appeal, because it was **very** huge & lengthy. This denied Watts a meaningful chance to have his Intervention motion heard on the merits, which is why **Judges Shelley and Flannery** are named in their individual capacities.

Counts 4 and 5: Deprivation of a right without Due Process of Law – again

63. Illinois "Supreme Court Rule 321" acts to deprive a litigant of his or her fair day in court (Procedural Due Process), and is invalid **both 4. facially and 5. as applied:**

> **Rule 321. Contents of the Record on Appeal**
> The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed and judgment and order entered in the cause and any documentary exhibits offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court. Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994. Source: http://www.illinoiscourts.gov/supremecourt/Rules/Art_III/artiii.htm

64. First off, Rule 321 is unconstitutional, and thus void, as applied: Remember, both the trial court and the reviewing (appeals) court could have "order[ed] less," and the effect of them refusing to do so was either Watts paid for DECADES of record in a very

"open-and-shut," easy-to-determine case (cost prohibitive), or, in the alternative, Watts simply didn't get his day in court, because of how the courts "applied" this Rule.

65. More-importantly, however, this rule is simply unconstitutional **facially.** Let's look more closely: Besides a trial court or 'reviewing' (appeals) court avenue, there is also the option for stipulation (agreement among the parties). However, getting a whole bunch of lawyers on both sides to agree to ANYTHING (much less something to help a small, non-lawyer outsider) is like "herding cats": It ISN'T happening very often. (And even if it "could" happen, it is very difficult at best.) The effect of this Rule is to make it very difficult to "order less." However, the 1983 violation comes when we see that there is NO provision for a litigant to proceed and get heard on the merits if he or she doesn't have the "complete" Common Law Record, huge in some cases (See **Exhibit-G,** the letter from the Civil Appeals division, admitting that the record was "boxes" in size, or see the **Docket in *GMAC v. Daniggelis, et. al.*, 2007-CH-29738,** in the Chancery Division. The case in the Law Division being appealed is the same case: It was transferred—so the record is the same, huge record.)

Multiple Counts: Deprivation of a right without Due Process of Law – and
– requirement that courts have held to be denial of Equal Protection

66. In his 02/27/2019 "Rule 321 motion to limit Contents of the Record on Appeal," which was filed before Judge Diane M. Shelley's court (and which was an exhibit in the Motion to Extend Time, filed in the appeals court) [see: **EXHIBIT-I,** proof it was filed multiple ways, electronically, email, online posting, etc.—meaning both CIRCUIT and APPELLATE courts were so-notified], Plaintiff Watts clearly told both courts **the following legal analyses by former Fla. Sup. Ct. clerk, and legal scholar, Robert Craig Waters:**

> "In preventing appellant an opportunity to appeal the actions of the circuit court, both the Illinois circuit and appellate State judges are not protected by Federal Judicial Immunity under the highest FEDERAL standards: "A

> judge thus remains unquestionably immune as long as he does not take actions that intentionally and plainly prevent further review. The duty imposed on a state-court judge, then, is only to recognize that his own decisions may sometimes be in error and to ensure that orders affecting important constitutional rights can be reviewed in another court." **["JUDICIAL IMMUNITY VS. DUE PROCESS: WHEN SHOULD A JUDGE BE SUBJECT TO SUIT?," by Robert Craig Waters, page 473, par.3, cl.4—5, *Cato Journal,* Vol.7, No.2 (Fall 1987). Copyright © Cato Institute.** All rights reserved. The author is Judicial Clerk to Justice Rosemary Barkett of the Florida Supreme Court. Emphasis added in bold, underline, italics, for clarity; not in original.]
> Cite: https://www.cato.org/cato-journal/fall-1987
> File: http://www.cato.org/sites/cato.org/files/serials/files/cato-journal/1987/11/cj7n2-13.pdf
> Cite: https://ideas.repec.org/a/cto/journl/v7y1987i2p461-474.html
> *
> https://econpapers.repec.org/article/ctojournl/v_3a7_3ay_3a1987_3ai_3a2_3ap_3a461-474.htm
> Cite:
> https://EconPapers.Repec.org/RePEc:cto:journl:v:7:y:1987:i:2:p:461-474
> "

67. While some random law clerk's "opinion" is not legally-binding upon this court (especially given that it is merely a clerk in a STATE court), nonetheless, the clerk does this for a living, and must know the FEDERAL law in question, so he could advise his boss (former Justice Rosemary Barkett of the Florida Supreme Court) how to rule.

68. More-importantly, the FEDERAL case-law and statutory law standards within the "Four Corners" of this complaint completely (and then some) show that Robert Craig Waters is quite correct—and, that Watts gave clear notice to the state courts of their violation (and, implicit within that citation, Watts' intent to bring Federal complaints). Therefore, Watts can not be accused of "gotcha!" Legal Tactics: Plaintiff, Watts, gave clear notice of intent to sue, and reasons why ILLINOIS STATE COURTS were ripe for judgment against many victims.

69. COUNT 6 of this violation was the action of the appeals court in their 08/28/2018 ruling (Justices Pierce, Mikva, & Griffin) dismissing **1-18-0572** for "want of prosecution." What's the problem with that you might ask? That case appealed Judge Flannery's denial of a fee waiver (which prevented him from preparing the record). So, the appeals court, conveniently, issued a "Catch-22" ruling: You can't get heard without the record, but you can't get the record without being heard & winning your appeal. The court thought it was slick, and that a litigant so poor as to be unable to pay for a huge record would also be unable to invoke the jurisdiction of This Court, but apparently, they were wrong. The appeals court panel acted with ***mens rea,*** clearly, because to say this was an accident would insult the judges and say they aren't intelligent: These judges are very intelligent, making their crime an intentional one.

70. COUNT 7 of this series was the action of the appeals court in their 09/28/2018 ruling (Justices Mason, Lavin, & Hyman) dismissing the mandamus petition **(1-18-0538),** allegedly: "DISMISSED for lack of this Court's jurisdiction." There's just one problem with that: The court clearly has jurisdiction under both the Constitution and under relevant case law: ***Gassman v. THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY*** **(1-15-1738)** and ***Midwest Medical v. Dorothy Brown*** **(1-16-3230),** both of which are examples of that Illinois appeals court having authority to issue Mandamus Writs, as Art.6, Sec. 6 of the ILLINOIS CONSTITUTION (sentence 3) clearly says: "The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review," which, of course, includes Mandamus actions. They acted under colour of law to deprive Watts of Due Process.

71. COUNT 8: In their 10/25/2018 order, said appeals court did extend time to file the record, but, again, refused to allow a record which appellant, Watts, could afford: ""Appellant must direct inquiries on the content of [the] record on appeal to [the] clerk of the circuit court of Cook County."" **(Justices Mikva, Pierce, & Griffin)**

72. COUNT 9: In their 03/08/2019 order (/s/ Justices Mikva, Griffin, & Walker), said appeals court made it a point to extend time to file the record **one last time:** "This is the FINAL EXTENSION that will be allowed for filing the record. If the record is not filed by May 28, 2019, this appeal will be dismissed for want of prosecution." The problem with *that?* Right before that, the court clearly said that: "Appellant is advised that this court cannot issue an order determining the contents of the record to be provided by the circuit court. All issues regarding the record must be addressed with the circuit court." *Does anyone else see the problem with that?* Yes, the appeals court is "passing the buck" and making sure to "cooperate with" the circuit court in denying Watts his ability to have meaningful appeals-review of his adverse order—and using, as their excuse, the requirement that the entire Common Law record would be needed. The reputation (think: "the Chicago machine," or more-recently, the Jussie Smollet corruption & meddling) of CHICAGO, ILLINOIS courts (often nicknamed " **'Crook' County,"** ILLINOIS, for being corrupt, a play on words from "**Cook County,** IL"—Google: ""Crook County, Illinois"" if you haven't heard this term) is thus well-earned, **as documented here.** Indeed, "'Chicago-style politics'" is a phrase which has been used to refer to the city of Chicago, regarding its hard-hitting, sometimes corrupt, politics. It was used to refer to the Republican machine in the 1920's run by William Hale

Thompson, as when ***TIME*** magazine said: "to Mayor Thompson must go chief credit for creating 20th Century Politics Chicago Style." Source: (***Time Incorporated,*** 1931, volume 17, page 16, Link: https://www.google.com/search?tbm=bks&hl=en&q="Thompson+must+go+chief+credit+for+creating+20th+Century+Politics+Chicago+Style")

73. NOTE on Parties: Justice Carl Anthony Walker, when signing his 03/08/2018 order, had handwriting that was barely legible (see: WATTS' online docket), but "process of elimination" guessed it might be his signature, and a phone call to Hon. Tina Schillaci, Esq., clerk for the FIRST APPELLATE COURT, confirmed this was his signature. While bad handwriting slows down justice, **Justice Walker isn't be named for handwriting issues** (no Federal Tort for bad handwriting), and, indeed, he only participated in (read: committed) one single tort, that act done on Friday, 03/08/2018. Moreover, on 08/17/2015, Justice James G. Fitzgerald Smith signed off on an order denying the *amicus* motion filed by WATTS, but **Justice Smith isn't named** in this complaint because Watts' absolute FEDERAL PROCEDURAL & SUBSTENTATIVE DUE PROCESS rights **don't** guarantee the right to come before the courts as an *amicus curiae,* in which they are neither a party to the case, nor have any interests that need to be protected. Neither is Justice Mary Jane Theis (ILLINOIS Supreme Court) who first GRANTED Watts' Motion *In Forma Pauperis* (dated: 05/01/2018, for Case No.: 123481, ***Watts v. Flannery et. al.*)**, and then later participated in **a "hidden vote" denial** of said petition on the merits. **(The IL Sup. Ct. isn't named** as a defendant, because, although they could've easily corrected the violations of Federal Law, about which

they were amply notified, that court is one of discretionary, not mandatory, jurisdiction, thus no absolute right to appeal to the IL Supreme Court—or, for that matter, the U.S. Sup. Court.)

74. COUNT 10: Intentional infliction of pain and suffering by The Courts: Let's take a closer look at the 11/16/2015 ORDER by Hon. Sanjay T. Tailor (Law Division), denying both the *amicus* motion by Lead Plaintiff, Gordon Wayne Watts, and the intervention motion by class plaintiff, Robert J. More, shall we? As stated elsewhere, a litigant has no "Due Process" rights to file an *Amicus Curiae* in any court (lacks standing, no interests, etc.), so Tailor is not named in the complaint. But, look, closely, at his 11/16/2015 order **[Exhibit-H],** ok? It was a proposed order written by (see caption, bottom-left of order) Atty. Andjelko Galic, who represented Daniggelis in the mortgage fraud aka foreclosure proceeding, which was transferred from Chancery to Law, ok? Now, under both ILLINOIS and FLORIDA state laws, an attorney is an "officer of the court," and thus can act under the "Colour of Law," meaning Galic could be liable if he committed a tort. Indeed, Galic's proposed motion asks Judge Tailor to strike Watts' *amicus* motion (which was not a guaranteed Due Process right) and More's "intervention" motion. (More was already a named party, and thus needed not intervene, but that is immaterial to this count, here.) ***Our point??*** – Well, it should be obvious to any reader: Galic was on "the same side" as Watts and More, and so his request of Judge Tailor to strike their motions was VERY, VERY unusual, and can **only** be explained by this obvious fact: The courts were so, so corrupt and menacing to Galic that Galic found it necessary to "buddy up" to Tailor, and the only way he could do it was to "bully" both Watts and More. While this is merely an allegation, it is a CORRECT allegation, insofar as **NO**

OTHER explanation under the sun exists to explain Galic's bizarre motion, here. This proves that The Courts intentionally inflicted emotional harm upon all class plaintiffs by intimidation and scaring the pure living daylights out of Galic, who, in turn (chain-reaction), acted against other class plaintiffs. (This may, also, have had an effect on the loss of financial interests, which lead plaintiff, Watts, documented in his intervention motion.) Thus, this **pain and suffering** is yet another **42 U.S. Code §1983** violation of defendants, the trial & appeals courts, and said judges so named. See e.g., ***Lawson 32 v. Dallas County,* 112 F.Supp.2d 616, 636 (N.D. Tex. 2000)** (plaintiff is "entitled to recover compensatory damages for the physical injury, pain and suffering, and **mental** anguish that he has suffered in the past – and is reasonably likely to suffer in the future – because of the defendants' wrongful conduct"), aff'd, 286 F.3d 257 (5th Cir. 2002), (emphasis added in bold and underline for clarity – not in original, internal citations removed) which, while a 5TH Cir. holding (and not an 11TH cir. holding, in our circuit) comports to our case and statutory law, all the same—see e.g., other case-law within the "Four Corners" of this complaint, and also: ***Ray v. Foltz,* 370 F.3d 1079, 1083-84 (11th Cir. 2004)** (issue is whether "defendants had actual knowledge or deliberately failed to learn of the serious risk to R.M. of the sort of injuries he ultimately sustained"). Defendants knew (and know) full-well that their actions caused both emotional and financial harm to both Daniggelis and Watts, to say the least.

75. Count 11 –and CONCLUSION on points above: To illustrate, let's revisit point #69, above, ok? Watts' appeal, **1-18-0572**, was merely of the fee waiver application denial. So, why in the world would the appeals court deem it necessary for Watts to produce the

entire common law record (with decades of filings, which took up boxes and boxes)!? Why would an appeals court (or, for that matter, any court), need reams and reams of filings simply to decide a simple fee waiver matter? **ANSWER:** They are using this as a tool to deprive due process under the colour of law, and I believe their motives are to protect fellow-lawyers who come before their courts, friends, and associates. FEDERAL LAW AGREES: See, e.g., ***Griffin v. Illinois,* 351 U.S. 12, 18-20 (1956)** (holding that requiring indigent defendants to pay for transcript of trial in order to appeal **denies FEDERAL Equal Protection even though there is no absolute right to appeal).** Basically, what was done to Plaintiff, WATTS, was even worse: Griffin, as the court held, did not have an absolute right to appeal. (Ironic that ILLINOIS is the same state in this instant case, but not unexpected.) Watts, however, did have an absolute right **under ILLINOIS State Law: "Rule 301. Method of Review** [] Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding." Source: http://www.illinoiscourts.gov/supremecourt/rules/art_iii/artiii.htm

So, if Watts did have an absolute right to appeal, his Equal Protection rights were clearly violated even more, thus giving rise to **yet another tort, "Count 10," this Equal Protection cause of action—here.**

IX. MEMORANDUM OF LAW [[R.I.C.O. and Class Action]]

76. ** R.I.C.O.: One definition of R.I.C.O. (the federal Racketeer Influenced and Corrupt Organization provisions as part of the Organized Crime Control Act of 1970) is that

it is **Federal Law that condemns any person** who **conducts or participates** in the affairs of, ***or conspires to invest in, acquire, or conduct*** the affairs of an enterprise which engages in, or whose activities affect, interstate (or foreign) commerce through (a) the collection of an unlawful debt, or (b) the patterned commission of various **state and federal crimes.** Under the law, the meaning of racketeering activity is set out at 18 U.S.C. §1961, and, as currently amended, includes any act of fraud, which, clearly, includes the TEN (10) serious Federal causes of action, cited and documented above. [18 U.S.C. §§1341 (relating to mail fraud) 1343 (relating to wire fraud) come to mind, but are, by no means, limiting to the RICO crimes here.] The U.S. Supreme Court, in ***H.J. Inc. v. NW Bell Tel. Co.*, 492 U.S. 229 (1989)** held that: **"**"Racketeering activity" means "any act or threat involving" specified state law crimes, any "act" indictable under specified federal statutes, and certain federal "offenses." § 1961(1). A "pattern" requires "at least two acts of racketeering activity" within a 10-year period. § 1961(5)**."** Moreover, RICO contains a provision that allows for commencement of a civil action by a private party to recover damages sustained as a result of the commission of a RICO predicate offense. (See: 18 U.S. Code §1964, Civil remedies) Without beating a dead horse, it suffices to say that the three (3) circuit court judges and the seven (7) appellate state court judges can **not** be said to have avoided conspiring to commit acts, under the Colour of Law, to deny Procedural and Substantive Due Process and Equal Protection under the law. (There are, no doubt, more violations, but plaintiffs don't have standing to go on a witch hunt or a wild goose chase**; however,** the "more violations" is mentioned because This Court should ask 'How many *other*' people will be denied—people who don't have the resources or

expertise that Lead Plaintiff, Watts, possesses?)

77. ** **Class Action:** A class of plaintiffs was (and continue to be) harmed, so—in the interests of Judicial Economy—and pursuant to Rule 23(a)(2), Fed.R.Civ.P. (common questions of law or fact), Plaintiffs now bring this action as a class action. This legal strategy allows courts to manage lawsuits that would otherwise be unmanageable if each class member victim were required to be joined in the lawsuit as a named plaintiff. See: ***Hansberry v. Lee,* 311 U.S. 32, 41, 61 S.Ct. 115, 118 (1940).** Therefore, plaintiffs seek Class certification, as well as R.I.CO. Certification-- with requisite **treble (triple) damages** – to send a message to state courts to tread lightly on rights:

> Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court **and shall recover threefold the damages he sustains** and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. (See: 18 U.S. Code §1964(c))

X. MEMORANDUM OF LAW [[Injunctions / T.R.O.'s]]

78. *Inter alia,* this complaint seeks [1] a preliminary injunction, and [2] a permanent injunction, and may, if it becomes necessary to avoid irreparable and imminent harm, seek a T.R.O. (Temporary Restraining Order)—governed by Rule 65, Fed.R.Civ.P., and local Rules 1.06, 4.05, and 4.06: "The court may issue a preliminary injunction only on notice to the adverse party." **Rule 65(a)(1), Fed.R.Civ.P.**

79. Since plaintiff, Watts, is acting quickly to seek redress of This Court**, it appears that a T.R.O. will *probably* be unnecessary, but** this is mentioned, to cover all legal bases.

80. Since the stated "dismissal" date given by one of the defendants, of the only live appeal pending, is May 28, 2019, and it might be possible that this case pends beyond that point, Plaintiff, Watts, asks This Court to speedily enjoin, **via a preliminary injunction,** the Appellate Court, so-named, from dismissal of the case until a genuine review, on the merits, of the Federal Equal Protection and Due Process deprivations can be had. Then, if This Court is persuaded, Plaintiff asks This Court to give declaratory relief for this particular complaint, that is, a judgment of a court which determines the rights of parties without ordering anything be done or awarding damages. Then, based upon that holding, plaintiff seeks both permanent injunctive relief and award for damages, including (but not limited to) [[1]] loss suffered when defendants made it impossible for Daniggelis to pay Watts for much (documented) work & research done; [[2]] pain and suffering of all the class parties, not just Watts; [[3]] any attorney fees that may accrue; [[4]] any other damages as This Court deems appropriate ; and [[5]] That in treble, due to RICO requirements. [[6]] Plaintiff asks This Court to permanently enjoin defendants from enforcing the unconstitutional rule, described in these pleadings, ILLINOIS Supreme Court Rule 321, holding it unconstitutional both on the face and as applied, and thereby striking it. [[7]] Lastly, plaintiff asks This Court to give declaratory relief along the lines of ordering the ILLINOIS state courts (specifically the appellate court) to review the original mortgage fraud pleadings (a Due Process issue), which is permissible because, although there has been much litigation, no courts have reviewed the merits (depriving both Procedural and Substentative Due Process), and, as a result, these torts are not barred by ***Res Adjudicata*** or ***Collateral Estoppel***—and must be heard on the merits to

satisfy Equal Protection, 1st Amendment Redress, Civil Rights, and Due Process.

81. This court may, indeed, issue an injunction against ILLINOIS State Courts, so-named in this complaint: Based on the Anti Injunction Act (U.S. federal statute enacted in 1793), and as codified in 28 U.S.C. §2283. Stay of State court proceedings, "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." However, there are three (3) exceptions to this act: 1. the injunction is expressly authorized by Congress; 2. the injunction is necessary in aid of the federal court's jurisdiction; and, 3. the injunction is to protect or effectuate federal judgments. Among the statutes recognized as express authorization to grant an injunction under the first exception is Section 1983 of the Civil Rights Act: The U.S. Supreme Court, in ***Mitchum v. Foster*, 407 U.S. 225, 237 (1972),** held that a 42 U.S.C. §1983 suit is an exception to §2283 and that persons suing under this authority may, if they satisfy the requirements of comity, obtain an injunction against state court proceedings:

> "[I]n order to qualify as an 'expressly authorized' exception to the anti-injunction statute, an Act of Congress must have created a specific and uniquely federal right or remedy, enforceable in a federal court of equity, that could be frustrated if the federal court were not empowered to enjoin a state court proceeding. This is not to say that in order to come within the exception an Act of Congress must, on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-injunction statute." ***Mitchum v. Foster*, 407 U.S. 225, 237 (1972).**

82. Since 42 U.S.C. §1983 is just such an exception, This Court may issue injunctive relief—and ***Mitchum*** even went further, holding that an exception need not "on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-

injunction statute."

XI. Irreparable Injury

83. As stated above, one of the plaintiffs is the elderly Mr. Richard B. Daniggelis, whose house, land, and about ONE HUNDRED THOUSAND ($100,000.00) DOLLARS of documented equity (documented in both point 42 of **Exhibit-N** and **Exhibit-K,** the *Amicus* filings by Watts), who is, upon information and belief, about eighty (80) years old. Also, given that the ONLY "live" case in the matter is Watts' case before the First Appellate Court, State of Illinois (in case number 1-18-0091), Daniggelis' attorney having been dismissed due to want (lack) of prosecution, This Court is the "last stop" on the "legal highway," and failure of This Court to redress these grievances would ensure that the Maximum Amount of Harm be done to a host of litigants, and that, by virtue of no remaining remedies, Irreparable Harm would accrue, both financial, emotional, and, no doubt, jeopardy to the physical health of elderly Daniggelis, whose only hope of winning his house back is this lawsuit, which would force state courts to hear Watts' intervention, and review the entire case on its merits.

XII. Related Cases

84. This court will probably ask: "Are there are any related cases.? If you have sued the same defendants in this or any other Court, write down the names of the judge(s) and case number(s)." – ANSWER:

1. ***GMAC MORTGAGE LLC, et al. v. RICHARD DANIGGELIS, et al.,*** Chancery Division Case #: **2007-CH-29738,** Circuit Court of Cook County, ILLINOIS
2. ***Atty. Joseph Younes v. Mr. Richard B. Daniggelis,*** Civil (Municipal) Case #: **2014-M1-701473,** Circuit Court of Cook County, ILLINOIS [This case was simply a "FORCIBLE ENTRY AND DETAINER," i.e., an "EVICTION" case, in which Younes used the holding in the Chancery case, above, as a legal basic to evict

Daniggelis from his own house. Thus, as it was a byproduct of the illegal due process violations in the Chancery case, and not a case where the civil judge appeared to have much "discretion" to "do the right things," the judge in this case, Hon. DIANA ROSARIO, is not being named as a defendant.]

3. ***GMAC MORTGAGE LLC, et al. v. DANIGGELIS, WATTS, et al.,*** Law Division Case #: **2007-CH-29738,** Circuit Court of Cook County, ILLINOIS [Note: This is the same case as #1, above, but was "transferred" to the Law Division.]
4. ***City of Chicago, IL v. 1720 N. SEDGWICK ST., Atty. JOSEPH YOUNES, et al.,*** Municipal (Civil) Division, Case#: **2017-M1-400775** (City of Chicago, IL v. 1720 N. SEDGWICK ST., Atty. JOSEPH YOUNES, et al.) [Note: This case involves Joseph Younes, Daniggelis' former lawyer, who stole his house via title-theft-based Mortgage Fraud. In this suit, The City of Chicago is alleging that Younes purposely allowed the house to fall into disrepair in order to "get around" Historic District & Landmark deed restrictions, that would, otherwise, prohibit him from razing the house to the ground via a demolition crew. Since Younes was allowed title to a house that isn't his, Daniggelis' house was unnecessarily damaged by the title-thief, Atty. Younes.]
5. ***GMAC v. Watts, et. al.,*** **Case #:1-18-0091, ILLINOIS First Appellate Court** [NOTE: This is the only "live" case, not counting the code/housing case above, all others having been dismissed for a number of reasons. But the code case does not address the Mortgage Fraud, so This Court should not put its hopes on that head.]
6. ***Watts v. Flannery, et. al.,*** **Case #:1-18-0538, ILLINOIS First Appellate Court** [A mandamus proceeding, which was illegally dismissed based on alleged lack of authority/jurisdiction to hear the case, a bald-faced lie, and thus deprivation of one's procedural due process.]
7. ***GMAC v. Watts, et. al.,*** **Case #:1-18-0572, ILLINOIS First Appellate Court** [NOTE: This was simply an appeal of Judge Flannery's fee-waiver denial order, nothing more. It, too ,was dismissed for alleged lack of authority/jurisdiction to hear the case, a bald-faced lie, and thus deprivation of one's procedural due process.]

XIII. PARTIES TO THE CASE (detailed)

85. As referenced in paragraph 6, above, there are other parties to this case. This court could go online to get the contact information for the ILLINOIS First Appellate Court, and all parties to state court proceedings were/are enumerated/listed in the "Service List" in all of Watts' filings in the lower court. The filings in the case are available on Watts' online docket (which filings This Court will probably need), but as far as the parties to the case, Plaintiff Watts shall list that within the "Four Corners" of this brief, to help This Court have

necessary information at hand:

* **DEFENDANT, Clerk of the Circuit Court,** Richard J. Daley Center, 50 West Washington - Suite 1001, Chicago, IL 60602, General Information: 312-603-5030, Help-desk: 312-603-HELP (4357), eFilehelp@cookcountycourt.com

* **DEFENDANT, Hon. Michael F. Otto,** Associate Judge, Law Division (according to clerk's website, even though he was in Chancery when torts occurred) c/o: Daley Center, 50 W. Washington St., Rm. 2505, Chicago, Illinois 60602, (312) 603-4467, Email: Michael.Otto@CookCountyIL.gov
via: http://www.CookCountyCourt.org/JudgesPages/OttoMichaelF.aspx

* **DEFENDANT, Hon. Diane M. Shelley,** Circuit Judge, Law Division, c/o Daley Center 50 W. Washington St., Rm. 1912, Chicago, Illinois 60602, (312) 603-5940, Christine Marinakis - Case Coordinator, Daniel N. Robbin - Law Clerk, (312) 603-4001, Email: 2 Law@CookCountyCourt.com ; ccc.LawCalendarW@CookcountyIL.gov ; Diane.Shelley@CookCountyIL.gov per:
http://www.CookCountyCourt.org/JudgesPages/ShelleyDianeM.aspx

* **DEFENDANT, Hon. James P. Flannery, Jr.,** Presiding Judge, Law Division, c/o Daley Center, 50 W. Washington St., Rm. 2005, Chicago, Illinois 60602, (312) 603-6343, Email: James.Flannery@CookCountyIL.gov via:
http://www.CookCountyCourt.org/JudgesPages/FlanneryJrJamesP.aspx

* **DEFENDANT, Appellate Court of STATE OF ILLINOIS, First District,** Clerk's Office, 160 North LaSalle St., Chicago, IL 60601, (312) 793-5484 , Office Hours: 8:30a.m.-4:30p.m., Mon-Fri, Excl. Holidays, per:
http://www.IllinoisCourts.gov/AppellateCourt/ClerksDefault.asp

* **DEFENDANTS, Justices listed in caption from IL 1st Appellate court.** No unique mailing address, phone number, name of clerk, or email address given, per: http://www.IllinoisCourts.gov/AppellateCourt/Judges/Bio_1st.asp but may be contacted through the clerk's office, for federal legal purposes.

* **LEAD PLAINTIFF, Gordon Wayne Watts,** 2046 Pleasant Acre Drive, Plant City, FL 33566-7511, Phone: (863)687-6141 (unlimited minutes, but spotty reception) and (863)688-9880 ('Welfare' phone with limited minutes but excellent connectivity/reception), Email: Gww1210@gmail.com and Gww1210@aol.com Web: https://GordonWayneWatts (hosted by HostGator, in Dallas, TX) and https://GordonWatts.com (hosted by GoDaddy, in Mesa, AZ)

* **Class Plaintiff, Richard B. Daniggelis,** based on court comments made by his lawyer, Andjelko Galic (see state court proceedings) may be contacted at 312-774-4742, c/o John Daniggelis, 2150 North Lincoln Park West, Apartment #603, Chicago, IL 60614-4652

* **Class Plaintiff, Robert J. More,** on information and belief, P.O. Box 6926, Chicago, IL, 60680-6926, PH: (708) 317-8812, former tenant of Daniggelis

* **Class Plaintiff, Andjelko Galic,** (Atty. for Richard B. Daniggelis, in state court proceedings—before he lost possession for want of prosecution) (Atty#:33013) Cell:312-217-5433, Fax:312-986-1810, Ph:312-986-1510(?), AGForeclosureDefense@Gmail.com ;

AndjelkoGalic@Hotmail.com 45 Sherwood Road, LaGrange Park, IL 60526-1547

* **Class Plaintiffs, John Doe and Mary Jane Doe** – many other unnamed victims exist.

XIV. Prayer for Relief (DEMAND FOR RELIEF)

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue Declaratory relief, holding, as a matter of the law of the case, that all the torts named in this complaint have, indeed, occurred, and were committed by the defendants named, against the plaintiff victims named.

2. Issue Declaratory relief, holding, as a matter of the law of the case, Rule 321, of the ILLINOIS SUPREME COURT to be unconstitutional, both on its face and as applied.

3. Issue Declaratory relief, holding that R.I.C.O. applies regarding alleged collusion.

4. Issue Declaratory relief, certifying the class so-enumerated within this complaint.

5. Issue Preliminary Injunctive relief, staying any dismissal of the case in question, 1-18-0091, which is the only "live" case in this series of cases.

6. Issuing Permanent Injunctive relief, not only striking "Rule 321" as unconstitutional, but also permanently barring dismissal of the appeal in question, until both Procedural and Substantive Due Process can be had for class plaintiffs—both Daniggelis' mortgage fraud claims, Watts' intervention interests, and any other damages which This Court deems appropriate.

7. Awarding unspecified monetary damages for both financial and emotional harm suffered by class plaintiffs (loss of house, land, equity, for Daniggelis, loss of interests by Watts in huge, documented, monies owed for research and tech services rendered), and vast emotional pain suffered by all parties) —at least $500,000.oo awarded to Richard B. Daniggelis for loss of house, land, equity, rental fees, costs of storage, and pain/suffering, $7,000.oo awarded to Gordon Wayne Watts for loss of his financial interests, and pain/suffering, and to Atty. Andjelko Galic and Mr. Robert J. More, The Court orders an award of $5,000.oo to each for pain/suffering—and that, in treble (triple) due t o R.I.C.O.

8. Other relief as This Court deems appropriate.

Date: Monday **(Day of Week), the** 15th **day of** April**, 2019**

Respectfully submitted,

Gordon Wayne Watts

(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***
Florida Bar Identification Number (if admitted to practice in Florida): – N/A
Firm or Business Name: ***The Register*** (non-profit, online blog: links below)
Mailing Address: 2046 Pleasant Acre Drive
City, State, Zip Code: Plant City, FL 33566-7511
Telephone Number(s): (863)687-6141 and (863)688-9880
Facsimile Phone Number (if available): – N/A
E-mail address(es): Gww1210@Gmail.com and Gww1210@aol.com
Official website(s): https://GordonWatts.com and https://GordonWayneWatts.com

Cert. of Service I, Gordon W. Watts hereby certify that I'm serving THIS Amended Complaint ONLY on the Court

Mon. 15 April 2019

Gordon Wayne Watts

Amended **VERIFICATION**
A.K.A.:
[Sworn, Witnessed, and Notarised]
AFFIDAVIT OF GORDON WAYNE WATTS

STATE OF FLORIDA } **ss.**
COUNTY OF HILLSBOROUGH }

Before me, the undersigned Notary, on this 15th day of April, **2019,** personally appeared Gordon Wayne Watts, known to me to be a credible person and of lawful age, who first being duly sworn, upon his oath, deposes and says:

AFFIANT STATEMENT: I am Gordon Wayne Watts, and I live at 2046 Pleasant Acre Drive, Plant City, FL 33566-7511.

FURTHER AFFIANT SAYETH: I am the lead plaintiff in this cause, and have both written—and proof-read (for accuracy) the foregoing "Amended VERIFIED COMPLAINT and REQUEST for Declaratory and Injunctive relief; For unspecified monetary damages ; Request for Certification as a Class (Class Action) ; For R.I.C.O. Certification; and, Incorporated MEMORANDUM OF LAW"**[*] ; and ,** have personal knowledge of the facts and matters set forth and alleged ; and , I state that each and all of these matters are true and correct. **FURTHER AFFIANT SAYETH NAUGHT.**

[*] Case No: 8:19-cv-829-T-36CPT

X _____
Gordon Wayne Watts, Affiant

STATE OF FLORIDA } **ss.**
COUNTY OF HILLSBOROUGH }

The foregoing instrument was acknowledged, subscribed, **and sworn** before me this 15 day of April, **2019,** by GORDON WAYNE WATTS, Affiant, who **(is / ~~is not~~)** personally known to me, who **(did / did not)** produce identification as shown below, ***and*** **who (did / did not) take an oath.**

IDENTIFICATION TYPE: W320-299-66-176-0 / FL. DL.

IDENTIFICATION NUMBER: W320-299-66-176-0

Notary Public: _____ Date: 4-15-19

(Notary Stamp)

My Commission Expires: 4-22-20

RYAN MATTHEW DONOGHUE
Notary Public - State of Florida
Commission # GG 032879
My Comm. Expires Sep 22, 2020
Bonded through National Notary Assn

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GORDON WAYNE WATTS,

Plaintiff,

v. Case No: 8:19-cv-829-T-36CPT

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,

Defendants.
_____/

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. Plaintiff alleges that this Court has subject matter jurisdiction over his claim under 28 U.S.C. §§ 1331 and 1343(a)(3) because he sues under 42 U.S.C. §§ 1983 and 1988 for violations of the Fifth and Fourteenth Amendments to the United States Constitution. Doc. 1 at ¶¶ 7-8. Plaintiff contends that Defendants denied his due process rights when they refused to enter an order to limit the record on an appeal. This Court questions whether it has subject matter jurisdiction and whether it is the proper venue for this action.

I. Background

The forty-page verified Complaint alleges as follows. Plaintiff's friend, Richard Daniggelis, engaged in transactions which fraudulently deprived him of title to his home. Doc. 1 at ¶¶ 18-32. When Daniggelis' mortgage holder filed a foreclosure lawsuit, Plaintiff filed a Motion for Intervention in the lawsuit, to protect his interests in money owed to him by Daniggelis. *Id*. at ¶¶ 33-38. The mortgage holder ultimately moved to dismiss the foreclosure lawsuit; the circuit court dismissed the case before it could rule on the Motion for Intervention. *Id*.

Plaintiff reviewed the docket and spoke to a Circuit Court clerk, after which he concluded that he was now a "party" to the case. *Id*. at ¶ 38. As such, he felt entitled to seek relief in the

lawsuit, including an appeal of the denial of his Motion for Intervention. *Id*. The record on appeal of the case is apparently voluminous. Despite many efforts to get the circuit and appellate courts to "limit" the record, which would reduce the copying costs and allow Plaintiff to afford to file the record on appeal, both courts refused to do so. The appellate court also denied his fee waiver request. *Id*. at ¶¶ 41-45.

The Supreme Court of Illinois entered an order denying Plaintiff's petition for a Supervisory Order to compel the circuit and appellate courts to act on his "Motion for Intervention, Fee Waiver, and Preparation of the Record on Appeal." *Id*. at ¶ 46. The appeals court dismissed Plaintiff's appeal of the denial of his fee waiver request for want of prosecution. *Id*. at ¶ 47. It also dismissed another appeal for Writ of Mandamus (citing a lack of jurisdiction) and denied his motion to reconsider. *Id*. at ¶ 48. Plaintiff alleges that the record on appeal was very large, and thus, costly to copy and he could not get a price estimate from the Circuit Court Clerk's office. The appellate rules require him to produce the full record for appeal unless the record was limited by stipulation or court order under "Rule 321."[1] *Id*. at ¶¶ 49-51. Plaintiff filed a Rule 321 motion, but the appellate court only granted additional time to file the record; it noted that all issues regarding filing of the record had to be directed to the circuit court. *Id*. at ¶ 53.

Plaintiff now sues in this Court seeking redress against the circuit and appellate courts, as well as the individual judges, in Illinois for denial of his federal civil rights due to their refusal "to have his redress reviewed on the merits (by either circuit or appeals courts)[;]" arguing that both courts have jurisdiction to limit the record on appeal. *Id*. at ¶ 56.

[1] Plaintiff apparently refers to ILCS S. Ct. Rule 321. "Contents of the Record on Appeal."

II. Subject Matter Jurisdiction

"Federal courts are obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking." *Cadet v. Bulger*, 377 F.3d 1173, 1179 (11th Cir. 2004); *accord Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999) ("[O]nce a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue."). "The jurisdiction of a court over the subject matter of a claim involves the court's competency to consider a given type of case and cannot be waived or otherwise conferred upon the court by the parties." *Jackson v. Seaboard Coast Line R.R. Co.*, 678 F.2d 992, 1000 (11th Cir. 1982).

Under the *Rooker-Feldman* doctrine, federal courts do not have jurisdiction to "exercise appellate authority 'to reverse or modify' a state court judgment," meaning that "state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced" may not obtain rejection of the state-court judgment through review by the district court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284-85 (2005) (citing *Rooker v. Fidelity Tr. Co.*, 263 U.S. 413, 416 (1923); *D.C. Ct. App. v. Feldman*, 460 U.S. 462 (1983)).

The *Rooker-Feldman* doctrine applies where a claim is "inextricably intertwined" with a state court judgment such that a decision by the district court would "effectively nullify the state court judgment," or the claim could "succeed[] only to the extent that the state court wrongly decided the issues." *Target Media Partners v. Specialty Mktg. Corp.*, 881 F.3d 1279, 1286 (11th Cir. 2018) (citation omitted). "The doctrine is rooted in an understanding that Congress has given only the United States Supreme Court the ability to hear an appeal from a state court decision," whereas district courts "have been given original, not appellate, jurisdiction." *Id.* at 1284 (citing

28 U.S.C. §§ 1257(a), 1331, 1332). Thus, the state court proceeding must end prior to the filing of the case in federal district court for the doctrine to apply.

Plaintiff's underlying purpose in this case is to ultimately have "a chance to seek appellate review of the decision denying him intervention" in the foreclosure lawsuit where "he had or has great interests, financial [and] emotional...." *Id*. The alleged deprivation of rights claims in this case appear to be inextricably intertwined with the state court foreclosure action, which deprives this Court of subject matter jurisdiction.

III. Venue

Further, regarding venue, federal law provides:

> A civil action may be brought in--
>
> **(1)** a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
>
> **(2)** a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
>
> **(3)** if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

Even if venue is proper where the action is filed, it is within the district court's discretion to transfer a case "[f]or the convenience of parties and witnesses in the interest of justice…to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). The decision to transfer a case pursuant to § 1404(a) should be based on an individualized, case-by-case consideration of convenience and fairness.

The Eleventh Circuit lists nine factors a court should consider:

> (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) a forum's familiarity with the governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) trial efficiency and the interests of justice, based on the totality of the circumstances.

Manuel v. Convergys Corp., 430 F.3d 1132, 1135 n. 1 (11th Cir. 2005) (citation omitted). *See also Bennett Eng'g Grp., Inc. v. Ashe Indus., Inc*., Case No. 6:10–cv–1697–Orl–28GJK, 2011 WL 836988, at *1–2 (M.D. Fla. Mar. 8, 2011) (discussing the nine factors and granting motion to transfer division pursuant to 28 U.S.C. § 1404(a) and L.R. 1.02(c)).

And "there is a long-approved practice of permitting a court to transfer a case *sua sponte* ... but only so long as the parties are first given the opportunity to present their views on the issue." *Tazoe v. Airbus S.A.S*., 631 F.3d 1321, 1336 (11th Cir. 2011) (quotations omitted).

Here, Plaintiff alleges that he is a resident of Plant City, Florida, which is within the Tampa Division, Middle District of Florida. But the Complaint has no other allegation which establishes that the Tampa Division of the Middle District of Florida is the appropriate venue. The defendants are all in Illinois and Plaintiff sues them for acts committed in Illinois. Thus, assuming Plaintiff sufficiently demonstrates that this Court has subject matter jurisdiction, he will also have to demonstrate why venue is proper here as opposed to the Northern District of Illinois, Eastern Division which encompasses Cook County, Illinois.

Accordingly, it is hereby **ORDERED** as follows:

Plaintiff is directed to **SHOW CAUSE** as to why this case should not be dismissed pursuant to the *Rooker-Feldman* doctrine for lack of subject matter jurisdiction or transferred to the Northern District of Illinois, Eastern Division. Plaintiff shall file a written response with the

Court within **FOURTEEN (14) DAYS** from the date of this Order. Failure to respond within the time provided will result in dismissal or transfer of this action without further notice.

DONE AND ORDERED in Tampa, Florida on April 10, 2019.

Charlene Edwards Honeywell
Charlene Edwards Honeywell
United States District Judge

Copies: All Parties of Record

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CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Gordon Wayne Watts, Individually,
and on behalf of similarly situated persons
Lead Plaintiff,

vs. **Case No: 8:19-cv-829-T-36CPT**

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,
Defendants.

_____/

Reply to the Order of This Court, dated April 10, 2019, to Show Cause

Pursuant to the Order of This Court, dated Wednesday, 10 April 2019, Lead Plaintiff[1], Gordon Wayne Watts, files a written response to **SHOW CAUSE** as to why this case should not be dismissed pursuant to the *Rooker-Feldman* doctrine for lack of subject matter jurisdiction or transferred to the Northern District of Illinois, Eastern Division. Additionally, there were new developments intervening between the initial complaint and today's reply to the April 10 order referenced. These "bookkeeping" matters need to be addressed first.

I. Bookkeeping matters: new developments

Since the initial complaint was filed and docketed on Monday, 08 April 2019, **there were three (3) new developments** about which This Court should be informed; so, as a courtesy, plaintiffs are "getting this out of the way," before moving on to matters of weight. **First and second are this:** This Court issued orders, the following day, to [1] file statements

[1] This court hasn't ruled on the request of Plaintiff to certify a class of plaintiffs, pursuant to Local Rule 4.04 and Rules 23(a) and (b), Fed.R.Civ.P., as to the detailed allegations of fact showing the existence of the several prerequisites to a class action, see e.g., ¶ 77, under the separate heading styled: "IX. MEMORANDUM OF LAW [[R.I.C.O. and Class Action]]," i.e., to refer to "CLASS ACTION ALLEGATIONS," as local rule 4.04 requires. However, the clerks have informed Plaintiff that it's OK to style the complaint in this way if he's suing and requesting a class action order ; so, to maintain internal consistency, this reply is so-styled.

regarding any "related" cases, as well as [2] a statement with a list of all-known "Interested persons." While this may not have bearing on this reply, nonetheless, to be safe, plaintiffs ask This Court to take judicial notice of these 2 replies (which are filed today, concurrent with the instant reply). There were related cases, of course, including the cases referenced in the complaint, as well as interested parties (in this case, merely the other parties to the state action—no one else). **Third, however,** Plaintiffs invoke Rule 15, Fed.R.Civ.P. and local rule local Rule 4.01(a), and "file the amended pleading in its entirety with the amendments incorporated therein." **This is significant because, besides correcting numerous typos, the amended brief includes key information left out of the initial complaint** (and courts, recognising that "plaintiffs are human too," have allowed for one amendment as a ministerial duty of This Court). **The four (4) key omissions** (which were corrected in the amended complaint) are as follows: **(1)** Plaintiffs allege, in ¶25 and elsewhere, that there was in excess of One-Hundred Thousand ($100,000.oo) dollars of "documented" equity in Daniggelis' stolen house, a strong claim, but left This Court to sift through his *amicus* briefs for the citation, and even then, Plaintiffs failed to include actual documentation in filings to This Court, only *referencing* state filings. The amended complaint (with additional exhibits) now includes the brief on file in the state action, which makes this complaint the "law of the case," as it wasn't rebutted. See e.g., see point 42 of **EXHIBIT-N.** This allegation was serious, as theft equities was a major factor in harm done to Daniggelis, which, in turn, made it impossible for Watts to collect his "interests" from Daniggelis, giving rise to the Intervention by Watts. **(2)** In ¶ 38 and elsewhere, Plaintiff, Watts, alleged that the state docket listed him as a 'defendant' (a key fact in his allegation of 1983 violations),

but failed to provide a copy of said docket. This omission is fixed in the amended complaint. **(3)** Plaintiff, Watts, forgot to include a libelous defamation of character, in which Judge Otto accuses Watts of bragging that it's OK to engage in vexatious litigant tactics. This slander is not protected by the cloak of judicial robe, and "Complaint #2" is added to document this. (Watts' only statement on this head was that if a known vexatious litigant got his fair day in court, why couldn't Watts—who was NOT a frivolous filing vexatious litigant, and Judge Otto's slanderous libel caused immense pain to Watts, who was already beleaguered by 1983 violations heretofore.) Complaint #2 addresses that. **(4)** Numerous other statements failed to properly cite the source in the Exhibits; these errors and many small typos were corrected in the amended complaint.

II. Background

The district court (Hon. Charlene Edwards Honeywell, U.S. District Judge, writing for The Court) gave a very thorough, and mostly-accurate description of the legal & factual background of this case. **The Court's review was excellent, and** the two (2) errors found appeared to be *"de minimus,"* as it affects the case, but I write to correct both small errors, so-as-to avoid any potential problem down the road: ****1** The Court writes that:** "When Daniggelis' mortgage holder filed a foreclosure lawsuit, Plaintiff filed a Motion for Intervention in the lawsuit, to protect his interests in money owed to him by Daniggelis." **This is technically accurate, but far from precise.** It sounds as though the debt (monies owed interests) occurred before the foreclosure, but the debts were actually incurred sometime later—actually not a legally-relevant point (as Intervention doesn't depend on a timing element), **but Plaintiffs write to clarify context. **2** The**

Court writes that: "the circuit court dismissed the case before it could rule on the Motion for Intervention." This isn't totally correct**:** The Chancery case was transferred before the Intervention motion was filed, **but the Law Division did *appear* to:** "dismiss[] the case before it could rule on the Motion for Intervention," since the nonsuit order dated 12-7-2017 was, indeed, after the 7-7-2017 Intervention motion. **Even that, however, isn't correct:** Saying that it dismissed the case before it "could" rule on the motion implies that it "couldn't" due to a timing issue, which prevented the Law Division (Hon. Diane M. Shelley, for the court) from ruling**;** however**,** the judge was not prevented or unable**.** She was simply **unwilling** to grant basic procedural & substentative due process directed to Watts' intervention—and subsequently dismissed the case by granting a nonsuit (aka Voluntary Dismissal) motion of Atty. Galic (Daniggelis' attorney) in her 12-7-2017 order. Other than those two (2) small factual errors, This Court's factual & legal 'Background' statement appears both complete and correct.

After thorough review, however, we conclude that the claim brought in federal court was not "inextricably intertwined" with the foreclosure case, the claim was not barred by the *Rooker-Feldman* doctrine, and the district court has jurisdiction to entertain it. The federal suit did not seek -- indeed could not have sought -- to relitigate claims decided by the state court in its foreclosure action. (Indeed, they were never litigated at all, as the state court record clearly shows.) Moreover, although 28 U.S.C. § 1404 gives the district court wide latitude to transfer the case *sua sponte,* **we conclude that the district court erred in its legal analysis of the 11th Circuit's case-law governing venue.**

III. Subject Matter Jurisdiction

Plaintiffs question the legal analyses of the circuit court, asserting that it is required to dismiss the complaint for lack of subject matter jurisdiction. The essential issue raised is whether the *Rooker-Feldman* doctrine can bar a federal suit regarding events occurring long after the entry of a state court decision. We hold that *Rooker-Feldman* cannot bar such a claim: The *Rooker-Feldman* doctrine eliminates federal court jurisdiction over those cases that are essentially an appeal by a state court loser seeking to relitigate a claim that has already been decided in a state court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.,* 544 U.S. 280, 284-85 (2005) (citing *Rooker v. Fidelity Tr. Co.,* 263 U.S. 413, 416 (1923); *D.C. Ct. App. v. Feldman,* 460 U.S. 462 (1983)). **The district court wrote in its order that: "**The *Rooker-Feldman* doctrine applies where a claim is "inextricably intertwined" with a state court judgment such that a decision by the district court would "effectively nullify the state court judgment," or the claim could "succeed[] only to the extent that the state court wrongly decided the issues." *Target Media Partners v. Specialty Mktg. Corp.,* 881 F.3d 1279, 1286 (11th Cir. 2018) (citation omitted)**."** However, the "citations omitted" give a different picture, when applied to the facts of Watts' complaint**:** *Target* cited *Casale v. Tillman,* 558 F.3d 1258, 1260 (11th Cir. 2009) (per curiam), which, originally, referenced *Pennzoil v. Texaco, Inc.,* 481 U.S. 1, at 25 (Marshall, J., concurring). Justice Marshall wrote a 'concurring' opinion, in which he 'concurred' with the final holding, but concurring opinions – while "persuasive" – are not binding precedent and cannot be cited as such. **Justice Marshall wrote that a: "**federal claim is inextricably intertwined with the state-court judgment if the federal claim succeeds only to the extent that the state court wrongly decided

the issues before it." ***Pennzoil v. Texaco, Inc.*, 481 U.S. At 25** *But, is this correct?* Maybe. Maybe not. But this point is moot: The 11th Circuit's order, which This Court which This Court cited in its 4-10-2019 Show Cause order, is binding upon This court —and went on to say that: "Notably, however, a federal claim is not "inextricably intertwined" with a state court judgment when there was no "reasonable opportunity to raise" that particular claim during the relevant state court proceeding. *Id.* (quoting *Powell v. Powell,* 80 F.3d 464, 467 (11th Cir. 1996))." (*Target Media Partners v. Specialty Mktg. Corp.,* 881 F.3d at 1287) Now, we turn to Watts' proceedings, and note that Watts' main complaint was that there was no "reasonable opportunity to raise" his Intervention claim during the relevant state court proceeding—whether at the circuit court level or at the appellate level. That was, precisely, Watts' complaint. "Thus, the class of federal claims that we have found to be "inextricably intertwined" with state court judgments is limited to those raising a question that was or should have been properly before the state court." (*Id.* At 1287) The state courts in question acted in concert to block, abrogate, and prevent Watts from raising his Intervention complaint, on the merits, making up a hayload of excuses to justify this civil rights violation.

That *Rooker-Feldman* cannot apply to the case at hand is stated simply: the civil rights claims brought by Watts, et. al., in federal district court, do not invite the review and rejection of the Illinois state court judgment in the previously-litigated foreclosure matter. See *Nicholson v. Shafe, 558 F.3d 1266, 1268 (11th Cir. 2009)*. Here, there are multiple reasons why the requirements found in *Rooker-Feldman* have not been met. Most starkly, as a matter of temporality, it's difficult to imagine a case where a federal court could be barred by *Rooker-Feldman* from hearing a claim that arose only after the relevant

state court decision had been issued. Indeed, in this case, the Illinois state courts could not possibly have adjudicated a question arising from conduct that occurred after it had finally decided the foreclosure dispute between these parties. This temporal sequence forecloses the applicability of *Rooker-Feldman* and removes our need to inquire into whether the claim presented is identical to or "inextricably intertwined" with a previously decided state court claim. A claim about conduct occurring after a state court decision cannot be either the same claim or one "inextricably intertwined" with that state court decision, and thus cannot be barred under *Rooker-Feldman.*

More specifically, however, the timing of the alleged 42 U.S.C. 1983 violations means that it cannot be grounds for a *Rooker-Feldman* bar. Well before Exxon Mobil's limitation of the doctrine, the 11th Circuit recognised that *Rooker-Feldman* is **not** a bar to jurisdiction where "[an] issue did not figure, and could not reasonably have figured, in the state court's decision." *Wood v. Orange Cty.*, 715 F.2d 1543, 1547 (11th Cir. 1983) ("[A]n issue that a plaintiff had no reasonable opportunity to raise cannot properly be regarded as part of the state case."). On the facts before us, the Illinois circuit judge (Hon. Michael F. Otto) rendered verdicts against Watts' friend, the elderly Richard Daniggelis, on the matter of his motion to quiet the title of his (stolen) home, land, and much equity in said home/land--see e.g., **EXHIBIT-F,** the 3-8-**2013** order by Judge Otto, and the two (2) orders by Judge Otto, the 02/15/2013 Summary Judgment or the 05/15/2014 order handing over title, alluded to in his two orders denying Watts' amicus motions (EXHIBITS P and Q). Most-notably, the 10-29-**2015** and 12-7-**2015** orders by Judge Otto, against Watts (in which Otto slanderer/libeled Watts –see Count 2 in the Amended complaint being

filed today), came after the **2013 and 2014** verdicts rendered against Daniggelis, indeed, they had to have, or else Otto would not have been able to make reference to them in his orders denying Watts' *amicus* motions. More to-the-point, however, the even more-recent **2018** and **2019** orders by the ILLINOIS state appeals court **(see: EXHIBIT-M)** also came only after the relevant state court decision had been issued. **Watts'** federal complaint arises only on claims related to unconstitutional acts which all parties agree occurred long after the earlier state court foreclosure litigation. The allegedly unconstitutional acts committed by both Illinois circuit & appellate courts, under the colour of law, postdated both the decisions of the state courts to strip title from Daniggelis, and give it to Atty. Joseph Younes. Quite simply, the Illinois state courts' decision couldn't reasonably—and indeed couldn't possibly—have considered language in the subsequent Intervention actions filed by Watts in their courts – well after the conclusion of Daniggelis' efforts to reclaim his home, eventually having his case tossed out of court at all levels: An allegedly tortious act occurring long after the state court rendered its judgment cannot be barred by *Rooker-Feldman* because there was no opportunity to complain about the allegedly injurious act in the state court proceedings. ***Target Media.*, 881 F.3d at 1288 (11th Cir. 2018)** Moreover, a 1983 Civil Rights claim cannot be the same claim as, or one "inextricably intertwined" with, the Illinois state courts' judgment, regarding a distinct foreclosure matter, where the nature of the claims reveals that they present distinct issues. **(*Id.* At 1288)** Here, the essence of the Illinois foreclosure suit is distinct from the essence of the federal suit. The legal issues presented to the Illinois courts inquired about the contractual obligations between the parties—and the rightful owner of a house. The main legal issue presented in this federal claim, however,

is whether the Illinois courts violated Watts' civil rights when various courts acted in concert (colluded, via R.I.C.O.) to deny his own action to intervene. The factual issues before the Illinois courts included whether the signature on the warranty deed in question was forged, and whether Daniggelis' house could be taken—and him not being paid even a dime for it, based on what Judge Otto admitted was a forged signature. (See Watts' ***Amended*** complaint for details, and documented proof of this claim.) The factual issues in this suit, however, concern not only libel (a new complaint as amended) but also collusion to ensure Deprivation of Rights without Due Process of Law, Equal Protection, and other 1983 civil right issues not at all alleged in the previous litigation in those state courts.

It is true that the factual background of the civil rights claims raised by Watts, et. al., in federal court today—the contents of the *amended* complaint—does relate to the state court judgment and so is "intertwined" in *some* sense. Nevertheless, it is not merely "any" interconnection of state and federal suits that constitutes the type of "inextricably intertwined" issues that are relevant for *Rooker-Feldman* purposes. Rather, the question posed to the federal court must be intertwined with the "state court judgment" not only to the extent that it involves the state court proceedings **but *also* to the extent that** a determination reached by the state court would have to be relitigated in federal court. **(*Id.* At 1288)** It is not the factual background of a case but the judgment rendered—that is, the legal and factual issues decided in the state court and at issue in federal court—that must be under direct attack for *Rooker-Feldman* to bar our reconsideration. The *Rooker-Feldman* bar is avoided in this suit because the Illinois state courts could rule on the foreclosure and "title-theft" fraud claims between these parties without deciding the civil rights and

libel claims related to this complaint. Likewise, a federal court could decide on the merits of Watts' civil rights and libel claims without rendering a judgment on the merits of Daniggelis' foreclosure and "title-theft" fraud claims. The critical distinction between materials relevant to the factual background surrounding a state case and the actual judgment rendered by a state court has been emphasized by the 11th Circuit Court **–both before and after** *Exxon Mobil.*(*Id. At* 1288)

> "As we have said, "our [*Rooker-Feldman*] decisions focus on the federal claim's relationship to the issues involved in the state court proceeding." *Goodman ex rel. Goodman v. Sipos*, 259 F.3d 1327, 1333 (11th Cir. 2001) (cited in *Casale*, 558 F.3d at 1260). In *Goodman*, two claims brought in federal court were barred by *Rooker-Feldman* while a third was not. *Id.* The two barred claims involved challenges to the legality of evidence and proceedings used by the state court, both issues that were or could have been decided by the state court. *Id.* at 1334. However, a third claim challenged the legality of a search that was proximate to events leading to the state court proceedings but was not the source of any "evidence or other information" used in the state court. Id. A challenge to the legality of the search, then, could not have been considered in the state court. That issue was not "inextricably intertwined" with the relevant state court decision because it was not "premised on the state court having ruled erroneously." Id." (*Target Media Partners v. Specialty Mktg. Corp.*, 881 F.3d 1279, at 1289 (11th Cir. 2018))

Like the third, non-barred claim in *Goodman*, Watts' challenge to allegedly unconstitutional acts by various ILLINOIS state courts couldn't have been considered in the Illinois court foreclosure proceedings. There may be a factual relationship between these parties' litigation in Daniggelis' foreclosure litigation and Watts' 42 U.S.C. 1983 claims, just as there was a relationship between the *Goodman* search and events that led to the state court proceeding there. However, Watts, et. al., don't contend (nor could we) that Illinois courts had ruled erroneously in the state court trial. Indeed, they didn't rule at all—never reaching the merits of Daniggelis' complaints (for a combination of 'slowness' on the part

of state court judges, plus want of prosecution by Daniggelis' lawyer). Instead, Watts' civil suit claims only that his civil rights of Redress, Procedural & Substantive Due Process, Equal Protection, & other 1983 violations, were committed—and couldn't have been adjudicated in the foreclosure action –and is thus not barred by *Rooker-Feldman.*(*Id.* At 1288) Finally, Watts' 1983 civil rights claims were independent of the foreclosure suit litigated in state court. Under *Exxon Mobil,* the Supreme Court has observed that the *Rooker-Feldman* doctrine is so limited that even where a truly new claim in federal court does require some reconsideration of a decision of a state court, such a claim still might not barred:

> "If a federal plaintiff 'present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party . . . , then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion.'" *Exxon Mobil*, 544 U.S. at 293 (alterations in original) (quoting *GASH Assocs. v. Rosemont*, 995 F.2d 726, 728 (7th Cir. 1993))." **(*Id.*, at 1289)**

Watts, et. al., <u>don't</u> make a direct attack on the foreclosure action (even if they have strongly-held opinions, provided for context, these don't constitute an actual attack on the foreclosure action).

> "Finding a claim to be barred by *Rooker-Feldman* requires that it amount to a direct attack on the underlying state court decision. A challenge can be contextually similar to an issue adjudicated in state court without activating *Rooker-Feldman.* The propriety of the alleged various civil rights violations here was not the specific question addressed by the relevant state court decision in the foreclosure action; rather, it is an independent claim. *Feldman* itself recognized the distinction. There, in a challenge to the District of Columbia's bar admission requirements, federal district courts lacked subject matter jurisdiction to review particular adjudications of individuals' applications for bar admission. *Feldman,* 460 U.S. at 482. However, the federal district courts did have jurisdiction to examine a general constitutional challenge to the validity of the bar admissions scheme. Id. at 482–83. This Court has similarly held that *Rooker-Feldman* bars federal district court jurisdiction over appeals from particular state court adjudications but not over

> challenges to general rules and procedures. See *Berman v. Fla. Bd. of Bar Exam'rs,* 794 F.2d 1529 (11th Cir. 1986); *Kirkpatrick v. Shaw,* 70 F.3d 100, 102 (11th Cir. 1995). Even if the general subject matter of the instant suit involves some of the factual background found in the state court trial, the suit here is not barred by *Rooker-Feldman* because the claims are independent from those that constituted the Alabama case.
>
> A challenge to holdings actually adjudicated by a state court plainly would be barred by *Rooker-Feldman.* Thus, for example, post-Exxon Mobil, this Court has held that an as-applied challenge to state DNA access procedures was barred by *Rooker-Feldman. Alvarez v. Att'y Gen.,* 679 F.3d 1257, 1263 (11th Cir. 2012). In still another case upholding the dismissal of a § 1983 claim as *Rooker-Feldman*–barred, we emphasized that a challenged search had been adjudicated to be lawful by the relevant state court. *Datz v. Kilgore,* 51 F.3d 252, 254 (11th Cir. 1995). Here, the state court was not asked, and could not have been asked to answer the question of whether Specialty Marketing's letter was libelous. The contextual similarity of Target Media's federal claim to the prior state court decision cannot suffice to bring the claim within Rooker-Feldman's ambit." **(*Id.,* at 1289—1290)**

The ILLINOIS Courts, would, no doubt, claim, however, that the "real purpose" behind Watts' federal suit is to "compel the state courts to revisit the foreclosure suit, and use the 'Intervention' as an excuse to do so."

> "But even in situations where such a purpose does exist, a suit may be brought in federal court, and the federal court cannot avoid jurisdiction under *Rooker-Feldman,* so long as the federal claim that is raised is independent of any claim raised in state court. While Specialty Marketing may assert some ongoing frustration from the state suit, the injury complained of in the defamation action was not caused by the Alabama state court judgment." (*Id.,* at 1290)

Here, the injury caused by the refusal to grant Watts intervention and other 1983 violations wasn't caused by the foreclosure action, and thus not *Rooker-Feldman* barred:

> "To be clear, we make no determination today about the merits of the defamation claim. We simply hold that the district court had the power, and therefore the unflagging obligation, to hear the case the parties presented. Because there was no reasonable opportunity to raise the instant claim in Alabama's state courts, and because the claim was not "inextricably intertwined" with the judgment rendered in Alabama court, *Rooker-Feldman* cannot bar this suit. [] VACATED and REMANDED." **(*Id.,* at 1290)**

Under the long-held **Doctrine of *Stare Decisis,*** This Court is bound by valid precedent of higher courts, and as case-law from the 11th Circuit has told us, Watts' assertion of subject-matter jurisdiction has valid caselaw authorisation. This court may confirm our legal citations, but it must comply.

IV. Venue

Further, regarding venue, the circuit court questions whether venue is proper in the Middle District of Florida, Tampa Division, and properly cites **28 U.S.C. §1404(a)** regarding discretion of the circuit court to transfer venue "[f]or the convenience of parties and witnesses in the interest of justice…to any other district or division where it might have been brought." And, citing *Manuel v. Convergys Corp.,* 430 F.3d 1132, 1135 n. 1 (11th Cir. 2005) (citation omitted), the District Court quotes/cites the Eleventh Circuit's standard on what factors to consider when deciding whether to transfer venue:

> "Section 1404 factors include (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) a forum's familiarity with the governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) trial efficiency and the interests of justice, based on the totality of the circumstances. See, e.g., *Gibbs & Hill, Inc. v. Harbert Int'l, Inc.,* 745 F. Supp. 993, 996 (S.D.N.Y.1990)."

However, after careful review, we find that the circuit court overlooked, or did not give proper weight, to these factors. Moreover, the circuit court violated clear precedent when it failed to comply with the Eleventh Circuit's *other* standard, which the circuit court, itself, listed in its 4-10-2019 order, namely this one:

> "Notably, there is a "long-approved practice of permitting a court to transfer a

> case *sua sponte* under the doctrine of *forum non conveniens,* as codified at 28 U.S.C. § 1404(a)," but only "so long as the parties are first given the opportunity to present their views on the issue." *Costlow v. Weeks,* 790 F.2d 1486, 1488 (9th Cir. 1986). ***Tazoe v. AIRBUS SAS, 631 F.3d 1321 (11th Cir. 2011)"***

However, the district court didn't ensure that "the [other] parties [to Watts' case] are **first** given the opportunity to present their views on the issue." Before we examine ***Tazoe***, we must first define "parties." The Legal Dictionary says: "In court proceedings, the parties have common designations. In a civil lawsuit, the person who files the lawsuit is called the plaintiff, and the person being sued is called the defendant." https://legal-dictionary.thefreedictionary.com/Parties Under the Plain Meaning Rule, "statutes are to be interpreted using the ordinary meaning of the language of the statute." https://definitions.uslegal.com/p/plain-meaning-rule/ The Legal Dictionary agrees with US Legal: "The plain meaning of the contract will be followed where the words used—whether written or oral—have a clear and unambiguous meaning. Words are given their ordinary meaning..." https://legal-dictionary.thefreedictionary.com/Plain-Meaning+Rule **Indeed, the U.S. Supreme Court agrees with these legal dictionaries:**

> It is well established that "when the statute's language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms." *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.,* 530 U.S. 1, 6, 120 S. Ct. 1942, 147 L. Ed. 2D 1 **(2000)** (internal quotation marks omitted) (quoting *United States v. Ron Pair Enterprises, Inc.,* 489 U.S. 235, 241, 109 S. Ct. 1026, 103 L. Ed. 2d 290 **(1989),** in turn quoting *Caminetti v. United States,* 242 U.S. 470, 485, 37 S. Ct. 192, 61 L. Ed. 442 **(1917)).**
>
> ***and:***
>
> "When the language of a statute is plain and does not lead to absurd or impracticable results, there is no occasion or excuse for judicial construction; the language must then be accepted by the courts as the sole evidence of the ultimate legislative intent, and the courts have no function but to apply and enforce the statute accordingly. [] Statutory words are presumed, unless the

> contrary appears, to be used in their ordinary sense, with the meaning commonly attributed to them." *Caminetti v. United States,* 242 U.S. 470 **(1917)**

While the district court's docket doesn't list an 'appearance' for the other parties, no one would dispute that these Illinois courts be considered parties, were plaintiff, Watts, rich enough to serve them a summonses. That he couldn't afford to serve them merely implicates Equal Protection, and, to the extent that they might have been served, they are parties just the same, because that's the "plain language" meaning of 'parties': Some are plaintiffs, who sue in class-action fashion; others are defendants, who get sued.

Here, as a 'technical matter', this district court appears to be considering making a venue ruling on this complaint without following the Eleventh Circuit's basic standards in *Tazoe v. AIRBUS SAS,* 631 F.3d 1321 (11th Cir. 2011). (Of course, the Illinois courts who broke the law would be pleased in no small amount were Watts' request for This Court to comply with *Tazoe* be ignored: After all, aren't they too busy to be called upon to obey the law? These Illinois judges think they're above the law. They aren't: their behavior brings disrepute, dishonour, & shame upon <u>all</u> courts, even *This* Court—a matter which becomes a factor *later* in the 11th Circuit's 9-prong test.) In fact, since it's been established that there's a colourable argument that civil rights violations have occurred, and that this court has jurisdiction, where there's **an even *lower* standard** for a preliminary injunction (as compared to a permanent injunction), a "party thus is not required to prove his case in full at a preliminary-injunction hearing." See: *Univ. of Texas v. Camenisch,* 451 U.S. 390, 395, 101 S. Ct. 1830, 68 L. Ed. 2D 175 **(1981)**

It's not improper for This Court to seek clarification via a "Show Cause" order, but if it seeks to limit its inquiry *solely* to plaintiff, that would be improper.

Here, **given the even *lower* standards in the incipient stages** of this complaint, and given the Eleventh Circuit's holding *supra* in ***Tazoe***, it's improper –indeed a reversal of the "burden of proof" –to inquire solely of the plaintiff, without inquiring (and putting on notice) defendants, regarding both venue and civil rights abuses they've committed**:** This Court should issue a Show Cause order, asking defendants to show cause as to why venue should be changed from the Middle District of Florida, why they aren't guilty of civil rights claims, and why a preliminary injunction should not issue. Then & only then, would This Court have a competent bank of information on which to base future decisions about jurisdiction, venue, or guilt. **This reply now addresses the nine (9) factors that the Eleventh Circuit lists:**

(1) the convenience of the witnesses ;

Does This Court seek to compel the judges being sued to testify as to their acts? *Oh, really?* Why? (The paper trail, which can be supplied electronically, from the ILLINOIS COURTS, should it be needed, is more than enough to **verify or deny** Watts' claims of fact. Moreover, should the judges – the only "people" being sued – be required to testify, could they not testify via teleconferencing? (Lastly, they are rich and have 'means' – and can – even if not needed – travel to Florida "at the drop of a dime." – but, that is merely *obiter dictum:* The last I heard, teleconferencing is alive and well in the 21st Century of technology.)

(2) the location of relevant documents and the the relative ease of access to sources of proof ;

Again, the "documents" in question are **ONLY** court documents – nothing less, but nothing more. What effect would venue have one way or the other?

(3) the convenience of the parties ;

Now, this factor weighs very heavily in favour of denying a

change of venue: While it does appear that the Illinois Federal Court in question does have some form of ECF (Electronic Case Filing) amendable to *pro se* litigants, so does This Court. Moreover, plaintiff, who lives in neighbouring Plant City, FL, has found it possible to file in person with the Tampa Division, but impossible to file out-of-state (given that he easily qualifies for Food Stamps). If the undersigned Plaintiff has misapprehended or overlooked something on this point, This Court is welcome to clarify.

(4) the locus of operative facts;

Again, this relates to electronically filed and stored court documents, which are stored at both the court systems of defendants and the online dockets of plaintiff. (See e.g., https://GordonWatts.com (hosted by GoDaddy, in Mesa, AZ) or https://GordonWayneWatts.com (hosted by HostGator, in Dallas, TX), and note the "Open Source Docket" link near top of the page, in front-page news of the "Mortgage Fraud" story. The "locus of operative facts, and the preferred forum for litigation, is usually where the accused products [were] designed and developed." *PhD Research Grp. v. Asetek,* No. 14-578, 2014 WL 12617912, at *3 (M.D. Fla. Oct. 23, 2014), but the "products" are electronic, not physical: This relates back to *supra* point #2, re: "**relevant documents,**" and with the same outcome: Defendants are not harmed or inconvenienced in this regard.

(5) the availability of process to compel compel the attendance of unwilling witnesses ;

Again, this relates to point #1, *supra*, with regard to witnesses, in the first place: Does This Court seek to compel the judges being sued to testify as to their acts? *Oh, really?* Why? And, if not, then this point is moot, and thus null and void *ab initio*.

(6) the relative means of the parties ;

Again, plaintiff, who is Conservative—and disdains welfare—wouldn't be on it if he could avoid it. However, the economy—and plaintiff's financial condition—is so bad that even *he's* lining up for food stamps, "welfare" phone, and, has recently, used PolkCare (indigent healthcare when a Polk County, FL resident—and hopes to soon find time to look into Hillsborough County's indigent healthcare—if he can find time to "tear away" from this time-consuming lawsuit). That the "means of the parties" weighs so-very heavily in favour of plaintiff's choice of forum is an understatement of the vast difference in the relative 'means' of the parties—both financial and political clout—both of the which **cannot** be understated.

(7) a forum's familiarity with the governing law ;

Any suggestion that This Court in unfamiliar with basic laws cited is an insult to This Court's intelligence –very inappropriate: Indeed, when plaintiff inadvertently failed to give a full citation to "Rule 321" in 1 or 2 instances (even though he gave complete citation in other places), the District Judge assigned to this case clearly recognised this as an ILCS (Illinois State Compiled Statute) & one of the "Rules of the Illinois [state] Supreme Court," binding upon all Illinois state courts. Moreover, while this district judge is human (like all judges) & clearly overlooked some points of law, as evidenced by the Show Cause order, the governing law is Federal, the specialty of both this district judge, the magistrate assigned, **and all their staff.** (It's a FEDERAL court, after all?) Indeed, even if the judge overlooked some points of fact or law (both happened), there's no doubt in anyone's mind that this judge (and for that matter, all judges, magistrates, & staff at this Court) will have absolutely no problems understating and being familiar with all the governing law.

(8) the weight accorded a plaintiff's choice of forum ;

Plaintiff, has previously (see ¶16, Amended complaint) shown that The Eleventh Circuit frowns upon a change of venue from the plaintiff's choice:

> "The Eleventh Circuit has recognized that a "plaintiff's choice of forum should not be disturbed unless it is clearly outweighed by other considerations." *Robinson v. Giarmarco & Bill,* P.C., 74 F.3d 253, 260 (11th Cir. 1996) (quotation and citation omitted); see *Response Reward Sys., L.C. v. Meijer, Inc.,* 189 F. Supp. 2d 1332, 1339 (M.D. Fla. 2002) (stating that "[o]nly if the [p]laintiff's choice [of forum] is clearly outweighed by considerations of convenience, cost, judicial economy and expeditious discovery and trial process should this Court disregard the choice of forum and transfer the action" (citation omitted)). Indeed: "Generally, in determining the merits of a § 1404(a) motion to transfer, this Court gives strong consideration to the plaintiff's choice of forum." *Suomen Colorize Oy v. DISH Network, L.L.C.,* 801 F. Supp. 2d 1334, 1338 (M.D. Fla. 2011).

So, the "burden of proof" (if you want to call it that) lies with the Defendants, should there be an issue or question—all things being equal. (And even more-so, if factors favour the plaintiff's choice of forum—which they do.)

(9) trial efficiency and the interests of justice, based on the totality of the circumstances

Here, I want to "camp out" for a bit: Since I've demonstrated This Court has jurisdiction to entertain the complaint, even if it has 'side effects' for the state, then it would be safe (finally) to remind This Court of one-such side effect: Namely, Illinois courts might be forced to revisit the merits of Daniggelis' complaint (which was never litigated on the merits), give him back his house, thus prevent this elderly man from being made to remain homeless—***thereby possibly* saving *his life.*** If that isn't in the **"Interests of Justice,"** then I don't know what is.

"Justice": Speaking of which, I want to briefly revisit a claim that the District Court made, when it said: "The defendants are all in Illinois and Plaintiff sues them for

acts committed in Illinois." This implies that location of 'acts' committed (e.g., in Illinois) is just cause to change venue to that location (Illinois). However, looking at the nine (9) factors of The Eleventh Circuit, I find no mention of "where" acts are committed as a 'factor' for venue—the closest possible one being point "(4) the locus of operative facts." This assumes that the location of the crimes were isolated to Illinois. But, even assuming, *arguendo*, that point #4 (locus of operative facts) somehow refers to the 'location', this would still weigh strongly in favour of Plaintiff: Indeed, while the judges who broke the law, in ILLINOIS, held the "BUTT" (or 'handle') of Lady Justice's "Sword of Redress" (which, by the way, they egregiously misused), nonetheless, the 'tip' of the sword pierced the Plaintiff, by the several injuries he incurred. This means that even though the "bad guys" all live (and work) in Illinois, the injury was sustained here (in Florida). Since Federal law allows "Long-Arm" jurisdiction to "piggyback" onto a state's "long-arm" statute, and since we all recall Florida's very strong "Sword Wielder" principle, it's an undisputed fact that an injured Plaintiff may "swing the sword" from his own home venue to defend himself:

> The "sword wielder" doctrine applies when a plaintiff seeks direct judicial protection from a real or imminent danger of unlawful invasion of the plaintiff's constitutional rights by a state agency or subdivision. *Barr v. Florida Board of Regents,* 644 So. 2D 333, at 355 (Fla. 1st DCA 1994); *Florida Public Service Commission v. Triple "A" Enterprises, Inc.,* 387 So. 2d 940 (Fla. 1980). In those limited circumstances, a plaintiff can sue for the protection of those rights in the county where the infringement of rights is threatened or has occurred. *Department of Community Affairs v. Holmes County,* 668 So. 2d 1096 (Fla. 1st DCA 1996).

Here, it's not legally relevant that this applies to one suing from one county for torts committed in another. What's relevant is that the "Long Arm" statute is indeed a "Federal analogue" comparable to the "State" case-law "Sword Wielder" principle: **Page 20 of 25**

It operates the same exact way (except on a Federal level): An injured plaintiff can swing the sword of redress from his home venue, in self-defense. Plaintiff's complaint (see ¶¶11—17) gives legal bases for Long Arm jurisdiction. Thus, in point #9, there are three (3) prongs: [[a]] trial efficiency; [[b]] the interests of justice, and [[c]] the totality of the circumstance. I've already demonstrated how "trial efficiency" isn't affected (since all documents can be transmitted electronically & no witnesses need be called). Moreover, "totality of the circumstance" is merely a nebulous phrase meaning "let's add up everything else." (I am, so we can safely ignore that.) Thus, the last remaining point that need be considered is "the interests of justice," and this is where I want to camp a while (until I hit my 25-page limit for briefs, replies, & motions, meaning the remaining reply, *infra,* won't be long—as I'm almost at the TWENTY-FIVE (25) PAGE limit) –see Local Rule 3.01(a)). Now, justice requires an ability to defend via "Long Arm" if necessary, but that's not the only factor to consider when inquiring into interests of justice: Were This Court to transfer venue to the Northern District of Illinois, Eastern Division, there might be venue bias. While judges, especially Federal judges, are trained to not have bias, it's a scientifically-proven fact that Judges are human too; **so,** acknowledgment of venue bias is not inappropriate. Even if risk is small, it's non-zero: Indeed, asking an Illinois judge to, basically, say that half his state's judiciary is corrupt, isn't an easy task. Moreover, given the gravity of the situation (my elderly friend made homeless, & This Court's transferal of the case is playing fast & loose with property, health, life, & death), these following factors need to be considered: **First,** besides venue bias (highly probably, even if a small factor), and **second** (life & death nature of a transferal), **thirdly,** there is no doubt that a venue transfer would

definitely introduce an unnecessary time-delay. **Fourth,** many plaintiffs were harmed (both Watts' financial interests, Daniggelis' homelessness, and others so-named in the complaint). While a venue transfer may be "legal," that does not necessarily make it "right." Or to quote one of the history's best lawyers:

> "All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not...all things are lawful for me, but I will not be brought under the power of any." (Saul of Tarsus, aka "Paul the Apostle" quoted in 1 Cor. 10:23, 6:12, Christian Holy Bible)

Paul won't be brought under emotion's compelling spell. Will you? With regard to venue, This Court should only transfer venue if it thinks that the Illinois courts are both more able and more willing to do justice. Given the poor track record of Illinois courts in handling the previous matters with Daniggelis, who's to say that he won't be in court for *another* twelve (12) years? (Count: 2019 minus 2007, viz: Chancery Case: 2007-CH-29738, CHANCERY DIVISION, *GMAC v. Daniggelis, et. al.* equals 12 years). He's old. Also: Who is to say that This Court wasn't placed, by Providence, into this place to help all aggrieved parties? For if you remain silent at this time, relief and deliverance for the all party-plaintiffs will arise from another place, but This Court will have blood on its hands if Daniggelis is harmed for lack of redress. And who knows but that you have come to your judicial position for such a time as this? This Court has been placed – by Providence – into this point in history "for such a time as this" – to do justice: Oh, judges and magistrates: What is proper and good? What does Truth require of you? But to do justice, righteousness, and with professional and patient attention to detail, to finish the job once begun.

The last point to consider in the Eleventh Circuit's "change of venue" standard, again – are "**interests of justice,**" but this time with the aim and goal of

saving <u>This Court</u> from harm: If the state circuit judges **and state <u>appellate</u> justices** are allowed to flat-out-lie, then this causes the public to hate and disdain all judges. (The public will not discriminate in "which" judges are 'good' and which are 'bad': **<u>One</u>** lying judge makes **<u>ALL</u>** judges look bad—and **a whole *<u>bunch</u>* of lying judges** make This Court (and all other courts) look VERY, VERY bad. (Again, it may not be 'illegal' for those judges to lie, but it's not only immoral, but also <u>impractical</u>, that is, harms—very greatly—the "Interests of Justice," the last prong of the 11th Circuit's totality venue test. We must inquire: Either the judges lied—or they didn't, ok? I'll ignore new "Count 2" of the amended complaint (as it was personal, by 1 judge to 1 victim—myself), but looking at **the <u>amended</u> complaint** (whose numbering may be 'off' from the original complaint), we see **two <u>(2)</u> VERY troubling things:** First, **COUNT 7** documents that **Justices <u>Mason</u>, <u>Lavin</u>, & <u>Hyman</u>** alleged **(see the Sept.28, 2018 order: Exhibit-M)** that their court didn't have jurisdiction. This isn't some "gray" area open for interpretation: **Either they lied—or they didn't:" Which is it?** Art.6, Sec. 6 of the ILLINOIS CONSTITUTION (sentence 3) clearly says: "The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review," which, of course, includes Mandamus actions. Also, in my Complaint, I cited *Gassman v. THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY* (1-15-1738) and *Midwest Medical v. Dorothy Brown* (1-16-3230). Both are examples of Illinois appeals court having authority to issue Mandamus Writs. (Can this court not verify those cites? Both case-law & the Constitutional provision? Hint: ILLINOIS has materials online.) Secondly, **Justices <u>Mikva</u>, <u>Griffin</u>, & <u>Walker</u>** alleged **(see the Mar.08, 2019 order: Exhibit-M)** that "Appellant is advised that this court cannot

issue an order determining the contents of the record to be provided by the circuit court," meaning they either had jurisdiction (and lied) or they didn't (and Rule 321 is a liar). Which is it? **BONUS:** Plaintiff, when compiling Exhibits, inadvertently omitted the 05/03/2018 order by **Justice Pierce,** in which he says basically the same thing: ""IT IS HEREBY ORDERED THAT This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572). Motion denied. IT IS SO ORDERED. /s/ Justice Daniel J. Pierce"" (Which order This Court can get from either my online docket or the defendants—or both.) Now, either these justices lied about their alleged lack of Rule 321 authority (to limit the record to an affordable amount) or they didn't. Therefore, it's no small leap of logic to conclude that transferal of venue to Illinois would introduce no small amount of "venue bias," by asking local judges to call a whole bunch of their friends & neighbors **"liars,"** and unnecessarily delaying justice (as the new court has to 'catch up' on the case *de novo*). Justice delayed is justice denied, and playing fast and loose with life, limb, property, & justice affecting a large class of litigants (while refusing to address lying judges, who harm reputation, honour, & good name of **This Court** –and all other courts) is adverse to the "interests of justice," in any real world. I didn't even mention that Illinois state courts required the entire common law record (which is thousands of pages) to consider a simple IFP (*In Forma Pauperis*) motion. **This Court didn't require an onerous barrier like that, did it? No: This court asked me for financial records—nothing more.** So, if **This Court** is honest in record requirements, why should Illinois courts place unreasonable barriers to appellate review (thus committing 1983 violations)? How many *other* people

will they harm by denial of justice? And, how has this affected (read: harmed) This Court's reputation—before the general public—for acts that **This Court** didn't commit? This Court may think my cause is "hopeless," since both lower & higher court judges are unafraid to "go on record" with bald-faced, blatant, incontrovertible lies & falsehood. However, it's not like that: Plaintiff Watts represents to This Court that after he got curious as to why judges would act so irrationally & blatantly break laws, he went online to view interviews many of these 'bad' judges & found all of them—without exception—to be sincere in their apparent desire to be honest, do justice, and avoid bias to the "rich and powerful" litigants. Therefore, Plaintiff believes that many Illinois state-court judges are indeed very honest, but even more-so afraid & scared of losing their jobs –silently praying for some "higher court" (might that be you?) to pull out a titanium-steel gavel & whack their court with Federal Powers—compelling them to stop breaking the law. Thus, even if This Court is prohibited by *Rooker-Feldman* from sitting in review of the merits of the "Substentative" Due Process, nonetheless, a firm "whack" of their court to ensure "Procedural" Due Process (e.g., 1983 violations including, *inter alia*, denial of appellate review) would **very greatly increase** the availability of "real" review of grievances—absent "rich and powerful" bias, which has been sorely lacking heretofore. Wherefore, Plaintiff respectfully replies to this Show Cause order and respectfully asks This Court to **(1)** acknowledge jurisdiction; **(2)** deny change of venue, **(3)** avoid unnecessary time-delays, unnecessarily taking chances, & unnecessary risks—introducing unnecessary "unknowns" into the equations of justice, and lastly: **(4)** review the various complaints on their merits. Respectfully submitted, /s/ Gordon Wayne Watts

Date: Monday, this 15th day of April, 2019 **Mr. Gordon Wayne Watts**
(Day of Week) [[Full address, etc. below in Cert. Of Svc .]] **Page 25 of 25**

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Certificate of Service

I, GordonWayne Watts, hereby certify that I have filed a copy of this court-ordered reply ("**Reply to the Order of This Court, dated April 10, 2019, to Show Cause**") with the clerk of the Circuit Court, Middle District of Florida, Tampa Division, this 15th day of April, 2019, but on no one else, as I am filing *In Forma Pauperis,* and am depending – with full faith and credit – upon The Court to authorise and order the U.S. Marshall Service to serve all other parties of record.

Date: Monday **(Day of Week) ,**

the 15th **day of** April **, 2019**

Respectfully submitted,

(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***

Florida Bar Identification Number (if admitted to practice in Florida): – N/A
Firm or Business Name: ***The Register*** (non-profit, online blog: links below)
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(Technically, page 26 of 25, but Plaintiffs pray This Court to not count the Certificate of Service in the 25-page limit – or, in the alternative, to grant leave to file this one extra page)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GORDON WAYNE WATTS,

Plaintiff,

v. Case No: 8:19-cv-829-T-36CPT

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,

Defendants.
_____/

ORDER

This matter comes before the Court upon Plaintiff's response to this Court's Order to Show Cause (the "Response") and Amended Verified Complaint. Docs. 12, 13. Plaintiff contends that Defendants denied his due process rights when they refused to enter an order to limit the record on an appeal. After reviewing Plaintiff's Response and the Amended Complaint, the Court is not satisfied that it is the proper venue for this action.

I. Background

The forty-page Amended Verified Complaint alleges as follows. Plaintiff's friend, Richard Daniggelis, engaged in transactions with individuals who fraudulently deprived him of title to his home. Doc. 13 at ¶¶ 18-32. When Daniggelis' mortgage holder filed a foreclosure lawsuit, Plaintiff filed a Motion for Intervention in the lawsuit to protect his interests in money owed to him by Daniggelis. *Id*. at ¶¶ 33-38. The mortgage holder ultimately moved to dismiss the foreclosure lawsuit; the circuit court dismissed the case before it ruled on the Motion for Intervention. *Id*.

Plaintiff reviewed the docket and spoke to a Circuit Court clerk, after which he concluded that he was now a "party" to the case. *Id*. at ¶ 38. As such, he felt entitled to seek relief in the lawsuit, including an appeal of his Motion for Intervention. *Id*. The record on appeal of the case is

apparently voluminous. Despite many efforts to get the circuit and appellate courts to "limit" the record, which would reduce the copying costs and allow Plaintiff to afford to file the record on appeal, both courts refused to do so. The appellate court also denied his fee waiver request. *Id*. at ¶¶ 41-45.

The Supreme Court of Illinois entered an order denying Plaintiff's petition for a Supervisory Order to compel the circuit and appellate courts to act on his "Motion for Intervention, Fee Waiver, and Preparation of the Record on Appeal." *Id*. at ¶ 46.

The appeals court dismissed Plaintiff's appeal of the denial of his fee waiver request for want of prosecution. *Id*. at ¶ 47. It also dismissed another appeal for Writ of Mandamus (citing a lack of jurisdiction) and denied his motion to reconsider. *Id*. at ¶ 48. Plaintiff alleges that the record on appeal was very large, and thus, costly to copy and he could not get a price estimate from the Circuit Court Clerk's office. The appellate rules require him to produce the full record for appeal unless the record was limited by stipulation or court order under "Rule 321."[1] *Id*. at ¶¶ 49-51. Plaintiff filed a Rule 321 motion, but the appellate court only granted additional time to file the record; it noted that all issues regarding filing of the record had to be directed to the circuit court. *Id*. at ¶ 53.

Plaintiff now sues in this Court seeking redress against the circuit and appellate courts in Illinois, as well as the individual judges, for denial of his federal civil rights. He argues that their refusal "to have his redress reviewed on the merits (by either circuit or appeals courts)[,]" violated his rights and he maintains that both courts had jurisdiction to limit the record on appeal. *Id*. at ¶ 56.

[1] Plaintiff apparently refers to ILCS S. Ct. Rule 321. "Contents of the Record on Appeal."

This Court entered an Order to Show Cause seeking clarification on the facts which invoke this Court's subject matter jurisdiction, specifically inquiring as to whether the *Rooker-Feldman*[2] doctrine applied. Doc. 9. And it sought additional information on the basis for venue in the Tampa Division of the Middle District of Florida since all of the alleged acts occurred in Illinois. *Id*.

II. Venue

Regarding venue, federal law provides:

> A civil action may be brought in--
>
> **(1)** a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
>
> **(2)** a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
>
> **(3)** if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

If venue is improper, the Court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). The decision to transfer or dismiss is within the Court's discretion. *Roofing v. Sheet Metal Servs., Inc. v. La Quinta Motor Inns, Inc.*, 689 F.2d 982, 985 (11th Cir. 1982); *Brownsberger v. Nextera Energy, Inc.*, 436 Fed. Appx. 953, at *1 (11th Cir. 2011).

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[2] Under the *Rooker-Feldman* doctrine, federal courts do not have jurisdiction to "exercise appellate authority 'to reverse or modify' a state court judgment," meaning that "state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced" may not obtain rejection of the state-court judgment through review by the district court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284-85 (2005) (*citing Rooker v. Fidelity Tr. Co., 263 U.S. 413, 416 (1923); D.C. Ct. App. v. Feldman, 460 U.S. 462 (1983)).*

In evaluating dismissal for improper venue, "[t]he facts as alleged in the complaint are taken as true, to the extent they are uncontroverted." *Home Ins. Co. v. Thomas Indus., Inc.*, 896 F.2d 1352, 1355 (11th Cir. 1990).

In analyzing the propriety of venue under Section 1391(b)(2), the Eleventh Circuit has stated that "only the events that directly give rise to a claim are relevant" and that "of the places where the events have taken place, only those locations hosting a 'substantial part' of the events are to be considered." *Jenkins Brick Co. v. Bremer*, 321 F.3d 1366, 1371 (11th Cir. 2003). In conducting this analysis, "the proper focus of the venue inquiry is on the relevant activities of the Defendants." *Hemispherx Biopharma, Inc. v. MidSouth Capital, Inc.*, 669 F.Supp.2d 1353, 1357 (S.D. Fla. 2009).

Here, Plaintiff alleges that he is a resident of Plant City, Florida, which is within the Tampa Division, Middle District of Florida. But the Amended Verified Complaint has no other allegation which establishes that the Tampa Division of the Middle District of Florida is the appropriate venue. The Defendants are all in Illinois, the Defendants committed all of the alleged acts in Illinois, and the main witnesses are in Illinois. None of the Defendants are alleged to reside here, none of the alleged acts or omissions occurred in Florida, and this case could have been brought in a federal court in Illinois. Thus, under § 1391(b), the Amended Verified Complaint presents no basis for venue in the Middle District of Florida.

The question of *forum non conveniens* need not be reached because there is only one proper venue in the case at bar. *Ford v. Brown*, 319 F.3d 1302, 1306–07 (11th Cir. 2003) ("The doctrine of *forum non conveniens* 'authorizes a trial court to decline to exercise its jurisdiction, even though the court has venue' "). But because Watts discusses it in depth in his Response, the Court will address it accordingly.

Even if venue is proper where the action is filed, it is within the district court's discretion to transfer a case "[f]or the convenience of parties and witnesses in the interest of justice…to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). The decision to transfer a case pursuant to § 1404(a) should be based on an individualized, case-by-case consideration of convenience and fairness.

The Eleventh Circuit lists nine factors a court should consider:

> (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) a forum's familiarity with the governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) trial efficiency and the interests of justice, based on the totality of the circumstances.

Manuel v. Convergys Corp., 430 F.3d 1132, 1135 n. 1 (11th Cir. 2005) (citation omitted). *See also Bennett Eng'g Grp., Inc. v. Ashe Indus., Inc.*, Case No. 6:10–cv–1697–Orl–28GJK, 2011 WL 836988, at *1–2 (M.D. Fla. Mar. 8, 2011) (discussing the nine factors and granting motion to transfer division pursuant to 28 U.S.C. § 1404(a) and L.R. 1.02(c)).

And "there is a long-approved practice of permitting a court to transfer a case *sua sponte* ... but only so long as the parties are first given the opportunity to present their views on the issue." *Tazoe v. Airbus S.A.S.*, 631 F.3d 1321, 1336 (11th Cir. 2011) (quotations omitted).

In his Response, Watts argues that the § 1404(a) factors weigh in his favor. But Watts does not establish any basis for venue here in Tampa. Plaintiff essentially argues that it is more convenient for him to prosecute the case here and his choice of forum should outweigh all other factors. Doc. 12 at 16-19; Doc. 13 at ¶¶ 15-17. But, as discussed below, the other factors clearly outweigh his choice of forum.

1. *The convenience of the parties, convenience of the witnesses, and availability of process to compel the attendance of unwilling witnesses.*

It does not appear that any of the potential witnesses in this case, besides Plaintiff, reside in this district. All of the judicial defendants reside and work in Illinois; thus, traveling to this district would be a hardship. As such, since none of the key witnesses are in Florida, and the primary witnesses are located in Illinois, this case should be transferred to Illinois.

The inconvenience of the parties and/or non-party witnesses alone may be an improper basis for transfer. *See MobileMedia Ideas LLC v. Samsung Elecs. Co.*, No. 8:16-CV-1316-T-23MAP, 2017 WL 3720954, at *4 (M.D. Fla. Mar. 28, 2017) (citing *Trinity Christian Ctr. of Santa Ana, Inc. v. New Frontier Media, Inc.*, 761 F. Supp. 2d 1322, 1329 (M.D. Fla. 2010)) ("[W]hen a transfer of venue would merely shift the inconvenience from the defendant to the plaintiff, the plaintiff's forum choice should not be disturbed."). But as noted, Plaintiff must support venue here by clearly specifying the key witnesses and their significance to the case. Plaintiff has failed to do so and as a result, this Court finds that these factors favor transfer.

2. *The location of relevant documents and the relative ease of access to sources of proof.*

These factors examine the location of sources of documentary proof and other tangible materials, and the ease with which the parties can transport them to trial. *Trinity Christian*, 761 F. Supp. 2d at 1327. The Court acknowledges the relative unimportance of the physical location of many documents in the era of modern technology. *See Microspherix LLC v. Biocompatibles, Inc.*, No. 9:11-CV-80813-KMM, 2012 WL 243764, *3 (S.D. Fla. January 25, 2012) (noting that "[i]n a world with fax machines, copy machines, email, overnight shipping, and mobile phones that can scan and send documents, the physical location of documents is irrelevant.").

Although technology mitigates the inconvenience of discovery, conducting discovery from Illinois of documents (and the documents' custodians) located mostly in Illinois is more convenient than conducting discovery from Florida of documents located mostly in Illinois. On balance, this factor favors transfer.

3. *Plaintiff's choice of forum.*

The Eleventh Circuit typically gives strong consideration to the plaintiff's choice of forum. *Robinson v. Giarmarco & Bill, P.C.*, 74 F.3d 253, 260 (11th Cir. 1996) (noting that "[t]he plaintiff's choice of forum should not be disturbed unless it is clearly outweighed by other considerations."). Here, Plaintiff maintains that the Defendants "broke the law" in Illinois courts, and they should be made to answer for those actions in any court. *See* Doc. 16. Further, he maintains that the Defendants should have a say regarding venue prior to the Court's *sua sponte* transfer. *Id*. The Court disagrees. The claims here do not support the proposition that Defendants' actions caused Plaintiff injury in this district, or that any injury occurred in this district. A substantial part of the events giving rise to Plaintiff's claims occurred in Illinois. Thus, although this factor weighs in favor of transfer, the other factors outweigh Plaintiff's choice of forum.

4. *Familiarity with the governing law***.**

Plaintiff alleges claims under federal law as it pertains to the Defendants' application of Illinois law. The Defendants are likely to interpose defenses, including the applicable limitations, under Illinois law. The correct resolution of Plaintiff's claims requires careful and correct analysis of Illinois law including its civil and appellate procedures. A district judge in Illinois indisputably has the advantage in an action based on Illinois law. This factor distinctively favors transfer. *See Laing v. BP Expl. & Prod. Inc.*, No. 8:13-CV-1041-T-23TGW, 2014 WL 4059870, at *2 (M.D. Fla. Aug. 14, 2014).

5. *The relative means of the parties.*

Plaintiff admits to having limited means and is thus proceeding in this case *pro se*. The Defendants will likely retain counsel for these actions provided by the appropriate state agency given that they are sued in their official capacities. Thus, this factor disfavors transfer.

6. *The locus of operative facts.*

The locus of operative facts is in Illinois. Plaintiff argues that the relevant documents are all available electronically, thus, venue here does not negatively impact the Defendants. But the only fact tying this case to this district is Plaintiff's residence here at the time he filed this suit. Thus, this factor favors transfer.

7. *Trial efficiency and the interests of justice.*

Finally, the Court evaluates "those public-interest factors of systemic integrity and fairness that, in addition to private concerns, come under the heading of the 'interest of justice.' " *Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 30 (1988). Essentially, this factor addresses all other issues that make trial of the case easy, expeditious, and inexpensive. *Anthony Sterling, M.D. v. Provident Life and Acc. Ins. Co.*, 519 F. Supp. 2d 1195, 1208 (M.D. Fla. 2007). In considering this factor, "[c]ourts often consider such things as the relative interests of the two forum states in the litigation, relative hardship of the parties, and questions of judicial economy." *Suomen Colorize Oy v. DISH Network L.L.C.*, 801 F. Supp. 2d 1334, 1338–39 (M.D. Fla. 2011); *In re Hoffman–La Roche Inc.*, 587 F.3d 1333, 1338 (Fed. Cir. 2009) (noting that "if there are significant connections between a particular venue and the events that gave rise to a suit, this factor should be weighed in that venue's favor."). The Court is persuaded that trial efficiency and the interests of justice, based on the totality of the circumstances, weigh in favor of transfer.

III. Conclusion

Plaintiff's choice of venue in the Middle District of Florida is improper. Rather than dismissing this case, the Court will transfer it to the Northern District of Illinois, a more convenient forum.

Although the Court has doubts regarding subject matter jurisdiction, that issue requires more analysis under *Rooker-Feldman*, which the court will leave for determination by a judge in the Northern District of Illinois. The Eleventh Circuit recently admonished district courts to be mindful that not all cases related to a state court action automatically invoke *Rooker-Feldman*. *See Target Media Partners v. Specialty Mktg. Corp.*, 881 F.3d 1279, 1285 (11th Cir. 2018) (citing *Exxon Mobil*, 544 U.S. at 280, 283) (recognizing that the Supreme Court concluded that the inferior federal courts had been applying *Rooker–Feldman* too broadly and it expressly limited *Rooker–Feldman's* applicability).

Because this Court lacks venue, it will transfer this case to the Northern District of Illinois which encompasses Cook County, Illinois.

Accordingly, it is hereby **ORDERED** as follows:

1. This case is hereby **TRANSFERRED** to the Northern District of Illinois for all further proceedings.
2. The Clerk is hereby directed to immediately **transfer** this case to the Northern District of Illinois.

DONE AND ORDERED in Tampa, Florida on May 22, 2019.

Charlene Edwards Honeywell
Charlene Edwards Honeywell
United States District Judge

Copies: All Parties of Record

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GORDON WAYNE WATTS, Individually and on behalf of similarly situated persons,	)	
Plaintiffs,	)	Case No. 19-cv-3473
v.	)	Judge Robert M. Dow, Jr.
CIRCUIT COURT OF COOK COUNTY; HON. JAMES P. FLANNERY, JR.; HON. DIANE M. SHELLEY; HON. MICHAEL F. OTTO; APPELLATE COURT OF ILLINOIS, FIRST DISTRICT; HON. DANIEL J. PIERCE; HON. MARY L. MIKVA; HON. JOHN C. GRIFFIN; HON. MARY ANNE MASON; HON. MICHAEL B. HYMAN; and HON. CARL ANTHONY WALKER,	)	
Defendants.	)	

ORDER

Plaintiff's financial affidavit indicates that his income and resources are below the federal poverty line as set out in the Guidelines promulgated by the U.S. Department of Health and Human Services. Therefore, his motion for leave to proceed *in forma pauperis* [2] is granted. Plaintiff's motion for leave to file an oversized document [4] also is granted. However, as explained below, Plaintiff's complaint is dismissed with prejudice as (1) all of the named individual Defendants have absolute judicial immunity from suits complaining about their judicial actions, and (2) the Illinois Circuit and Appellate Courts are not suable entities. And given that disposition on the merits, Plaintiff's motion for preliminary injunction [3], Plaintiff's motion to appoint counsel [5], and Plaintiff's motion for leave to file via CM/ECF [6] are all denied as moot. A final judgment will be entered and this case will be closed. Civil case terminated.

STATEMENT

Plaintiff Gordon Wayne Watts originally brought this action in the United States District Court for the Middle District of Florida. The case was transferred to this Court on May 23, 2019. Plaintiff purports to represent a class of similarly situated individuals and has named as Defendants three Cook County Circuit Judges and six Justices of the Illinois Appellate Court. According to the caption, each Defendant is sued in both his or her individual and official capacities. The forty-page complaint alleges that the judges violated the Constitution and federal civil rights laws through various rulings relating to a property dispute involving a friend of Plaintiff's named

Richard Daniggelis (who is listed as a "class plaintiff"). Each of the challenged actions by the Defendants relates to judicial rulings as to which Plaintiff vigorously disagrees.

Plaintiff's complaint suffers from two major defects, one of which is fatal to the entire action. As an initial matter, it is well settled that "one pro se litigant cannot represent another." *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008). Accordingly, at a minimum Plaintiff's class allegations would need to be dismissed. In addition, to the extent that Plaintiff seeks to advance claims on behalf of Mr. Daniggelis (or any other individual other than himself), Plaintiff may not do so. Beyond that, however, there is a more fundamental flaw in the complaint. Each and every individual named Defendant is a judicial officer and the acts complained of involve judicial actions—either rulings made or not made in connection with the disposition of cases. "A judge has absolute immunity for any judicial actions unless the judge acted in the absence of all jurisdiction." *Polzin v. Gage*, 636 F.3d 834, 838 (7th Cir. 2011); see also *Pierson v. Ray*, 386 U.S. 547, 554 (1967) ("immunity applies even when the judge is accused of acting maliciously and corruptly"). The complaint does not allege lack of jurisdiction in the state courts. It is therefore evident from the face of the complaint that all of the individual Defendants possesses absolute immunity from suit for the acts detailed in the complaint. Plaintiff's claims against the individual judge Defendants must be dismissed with prejudice. See *Koorsen v. Dolehanty*, 401 F. App'x 119, 120 (7th Cir. Oct. 29, 2010) (a dismissal on the grounds of absolute judicial immunity "is a decision on the merits and should have been with prejudice"). Finally, both the Circuit Court and the Appellate Court must be dismissed as Defendants, as they are not suable entities; rather, they are instrumentalities of the State of Illinois immune from suit under the Eleventh Amendment—and not suable in any event as "persons" within the meaning of 42 U.S.C. § 1983. See, *e.g.*, *Jackson v. Bloomfield Police Dep't*, 2018 WL 5297819, at *2 (E.D. Wis. Oct. 25, 2018), *aff'd*, 764 Fed. Appx. 557 (7th Cir. Apr. 23, 2019); *Dyer-Webster v. Dent*, 2015 WL 6526876, at *3 n.2 (N.D. Ill. Oct. 28, 2015).

Dated: May 31, 2019

Robert M. Dow, Jr.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Gordon Wayne Watts

Plaintiff,

vs.

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,

Defendants.
_____/

Case No.: 1:19-cv-03473

Judge Robert M. Dow, Jr.
Magistrate Judge Susan E. Cox

Rule 59 motion to alter / amend judgment
concurrent with Rule 60 motion for Relief from Judgment / Order

This matter comes to be heard on the motion of plaintiff for alteration and amendment of the 5/31/2019 judgment of this court [Doc.18], pursuant to Fed.R.Civ.P. 59(e), and it is timely because it's filed within the 28-day period, the day of the act not being counted, which gives me until Friday, 28 June 2019 to file, or 3 days later if filed by "mail" per Rule 6(d). Furthermore, plaintiff moves for relief from judgment pursuant to Fed.R.Civ.P. 60(b)(2) (newly discovered evidence) and (6) (any other reason that justifies relief), including, but not limited to, a scrivener's error/typo. Pursuant to Rule 60(c)(2) (Effect on Finality) the "rule 60" portion of my motion doesn't affect the judgment's finality or suspend its operation, thus I concurrently file to alter/amend judgment. The court (Hon. Robert M. Dow, Jr., District Judge, writing for The Court), in its very detailed 2-page, single-spaced 5/31/2019 order [18], made a number of factual and legal holdings, some correct, some incorrect, and one key holding addressing a controversial and unsettled area of law. My motion will contest that portion of the court's ruling which is incorrect. The court, in its 5/31/2019 order, made the following findings of fact and law:

1. The court granted my *in forma pauperis* motion [2] and my motion for leave to file in excess of the 25-page limit [4] of the local rules of District Court from which this case was transferred [L.R.3.01(a)], which was moot because this court's "Guide for the Pro Se Litigant" states on page 9 that "The Court's Local Rules do not limit the length of the complaint." (In fact, this court's local rules don't even address complaint page-limits.)
2. The court also held, as a matter of law, that judges may not be sued for "judicial actions," and further held that Defendants, Circuit and Appellate Courts, are not "suable entities."
3. Based on this reasoning, the court denied as moot my motions for preliminary injunction [3], for appointment of counsel [5], and to file CM/ECF [6].
4. The court's factual statement said, *inter alia,* that "Plaintiff... ...has named as Defendants three Cook County Circuit Judges and six Justices of the Illinois Appellate Court." This is incorrect: I named *seven* appellate judges, not six**:** The court overlooked Justice Terrence J. Lavin, who I named for a Civil Rights violation in Count 7 of my amended complaint [13]. I write to correct the record because captioning of a complaint is a serious matter, so serious that failure to name a defendant in an "individual capacity," when that applies, is grounds to strike the complaint—or at least that count.
5. The court also held that I am unable to represent other potential 'class' plaintiffs, if I, myself, am a *pro se* (non-lawyer) litigant, thus abrogating my "class action."
6. Finally, based on an incorrect interpretation of case law, the court alleges the two courts I am suing must be "must be dismissed as Defendants, as they are not suable entities."
7. Based on an incorrect interpretation (and application) of Federal Case law, the court dismissed, with prejudice, my civil rights complaint.

The court's order suffers from two major defects, one of which is fatal to the entire action. As an initial matter, Fed.R.Civ.P. 10 requires that "The title of the complaint must name all the parties." Accordingly, at a minimum, the court's order would need to invoke Rule 60(a): "The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a[n]...order," and add Justice Lavin to the caption. In addition, to the extent that the court seeks to allow the caption to remain as "GORDON WAYNE WATTS, Individually and on behalf of similarly situated persons," the court may not do so: The court, itself admitted that I may not represent "similarly situated persons" other than myself.

Beyond that, however, there is a more fundamental flaw in the court's order**:** Each and every defendant may, indeed, be sued for 42 U.S.C. § 1983 violations**:** It is well-established that the **Eleventh Amendment** generally does not bar suits for damages against state officers, so long as those officers are sued in their individual capacities. See, e.g., *Kentucky v. Graham,* 473 U.S. 159, 165-66, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985). All government employees are "persons" under §1983 and can be sued for anything they do at work that violates clearly established constitutional rights. *Hafer v. Melo,* 502 U.S. (1991).

The court also committed a very egregious error when it "conflated" (lumped together) suits for damages with injunctive or declaratory relief. While it's true that judges generally have "judicial immunity" from monetary damages, both judges (persons) and courts (instrumentalities) may be sued for both injunctive and declaratory relief. If the court doubts this, it may inquire of a long line of state court judges who are often sued in Federal Court—sometimes for "judicial acts"—and lose. Finally, since forcing defendants to grant me Due Process (and stop violating my Civil Rights) might indirectly result in my intervention motion

being heard on the merits, this would, necessarily, force review of the case in which I am intervening**:** My elderly friend, Richard B. Daniggelis, who is approximately eighty (80) years of age, based on information belief (see Exhibit-S & do the math-adding 2 years to the date), would be able to get back his house which was stolen from him in title theft based Mortgage Fraud, thereby possibly saving his life, as he was made homeless by the theft of his house, land, and hundreds of thousands of dollars of documented equity (not having gotten paid a dime for it).

Besides possible public embarrassment which may accrue from the numerous errors in its order, this court's involvement may possibly also be a "life or death" matter for my homeless elderly friend, due to the "chain-of-events" nature of intervention case law. The court's order, therefore, is a very emotional issue with me, and it can be very easy to encounter "runaway emotions" by all parties involved (the court, plaintiff, defendants, and, of course, interested parties, such as my friend, Mr. Daniggelis). However, I write to remind this court that law is an honourable profession**;** the court**,** and its officers**,** can help a lot of people with their law degree and**,** accordingly**,** we all should**,** whether we can be paid for it or not**,** be civil to litigants**,** adversaries**,** their lawyers**,** and the judges who are being sued —litigation is not a blood sport**.** [1]

Although the court didn't address the *Rooker-Feldman* doctrine, I am constrained to pass on it briefly**:** The District Court in 11th Circuit, from which my case was transferred, issued a show cause order [9], demanding that I show cause as to why the case should not be addressed for lack of subject matter jurisdiction, based on *Rooker-Feldman.* So solid was my reply [12] that

[1] The judge may recognise the statement above as looking familiar. I admit to having read an April 10, 2019 article, titled "From the Bench: The Honorable Robert M. Dow, Jr." from the Chicago Bar Association's blog, "@theBar," about Judge Dow, before writing this motion: https://cbaatthebar.chicagobar.org/2019/04/10/from-the-bench-the-honorable-robert-m-dow-jr/ For context, the entire quote, which I reworded to describe this point from my point of view, reads as follows: "Q: Do you have any other comments? A: The law is an honorable profession; you can help a lot of people with your law degree and you should, whether they can pay you or not; please be civil to your clients, your adversaries, and the judges—litigation is not a blood sport."

the court admitted [14] that it might possibly be wrong, and declined to dismiss the case. The 7th Circuit, where the case is being heard, has the "GASH" standard of law, which is an even easier standard of review to overcome a *Rooker-Feldman* bar. It suffices, however, to say that I'm not asking this court to review the merits of *either* my friend's mortgage fraud case, *or* even my intervention case, which, of course, are prohibited by *Rooker-Feldman.* I am, however, asking for review of a complaint on independent grounds, namely the civil rights violations. As a further reminder that I'm not appealing either of the two state court decisions, let me remind the court that it might decide in my favour on my civil rights violations, compelling the state courts to review my intervention case, and I may still lose that on the merits**;** and**,** even if I'm successfully able to intervene (which would force a review of Daniggelis' case, as I have unrepresented interests there), I may still encounter a loss on the merits of *that* (title theft and foreclosure) case**.**

There is one last "other" legal issue that must be addressed before moving on to matters of weight**:** While I'm quite angry for violation of my civil rights, I will "speak up" and inform this court about one area where my adversaries (the appeals court) may be victims of a civil rights violation**:** When Daniggelis' attorney successfully obtained *in forma pauperis* status for his client, before getting dismissed for want of prosecution, he coaxed & coerced the circuit court into transmitting the entire common law record to the appeals court, where the entire effort (many man-hours of labour) was wasted (because he was dismissed for failure to prosecute). Since Illinois state courts now use newer technology, these "old" record can't be used for my intervention (even though it comprises the same set of filings). This is relevant because I have a "technical" right to do the same (demand the entire record for free as an *in forma pauperis* litigant), but I refuse to do so**:** It would be a waste of judicial resources to ask this of those

state courts when the case may be decided, on the merits, based on the much-smaller limited record I have chosen (and which they have refused to include, wrongly claiming they don't have authority, when their own "Rule 321" clearly gives them such authority)**.**

My point is simple**:** Even though I may "technically" have this legal right, I'm speaking up to prevent the appeals court from being "burned" a second time (like Daniggelis' attorney did). The "legal theory" that could be used to remedy this problem (until Illinois changes its court rules) would be the *"de minimus"* theory: If the cost of the entire common law record is greater than the 6 or 7 thousand dollar damage award that I seek (and it probably would be), then my claim should be dismissed as *"de minimus,"* unless I can chose a smaller, more affordable, record on appeal**.** This court was probably not expecting me to "go to bat" for the defendants, who have egregiously victimised myself and Daniggelis (and many others), but I have religious and personal beliefs of conscience—which, while it's not relevant "which" religious beliefs—are sufficient in nature as to inform me to be fair and honest, and not fail to speak up when a person —or court—is about to be harmed**:** Remember, we must be honourable and civil—litigation is not a blood sport.

STATEMENT

I have addressed all seven points on page 2 of my motion, except the "matters of weight," namely "Point 2," above, the legal claim this court makes, that judges may not be sued for "judicial actions," and further that Defendants, Circuit and Appellate Courts, are not "suable entities." (Point 3, the related motions, point 6, dismissal of defendants, and point 7, dismissal of the case, with prejudice, all rely on the basis of point 2, so I will address that issue here.)

Memorandum of Law: The court committed numerous legal errors in its 5/31/2019

order, essentially, implicating four (4) distinct legal issues in its order, on which all else hinges:

1. Whether **individual judges** (persons) can be sued for monetary damages (in their individual capacity)
2. Whether **individual judges** (persons) can be sued via injunctive or declaratory relief
3. Whether the **state courts** (instrumentalities) are "suable entities" for monetary damages
4. Whether the **state courts** (instrumentalities) are "suable entities" for injunctive or declaratory relief

Before I give a legal analysis of these issues, let me say frankly (but with no disrespect meant) that I'm deeply surprised by the fundamental error this court made when it conflated these four issues (altogether failing to even address injunctive or declaratory reliefs, even though it certainly knows these as valid legal remedies). The Middle District Court in Florida, from which this case was transferred, made a similar error in its Show Cause order [9], but that court was humble, and candidly admitted its error in its reply [14] to my response [12]. Moreover, even in its initial show cause order, it didn't outright make a legal claim, rather merely asking for clarification. (The court, overburdened and underfunded, is comprised of people, who make human errors, and I suspect that a heavy docket load, along with the ease of "cookie cutter" form letters, creates an environment in which this type of error was easy & predictable.) I write this only to make the court aware of the fact that I want this court's actions to improve (and not degrade) the judiciary's reputation & name—and avoid disaster which befalls many "cops & courts" that do egregious and bizarre things. Below, I shall address each of these four points**:**

I. Whether individual judges (persons) can be sued for monetary damages (in their individual capacity)

Individual judges can *normally* not be sued for monetary damages, due to the common

law concept of "Judicial Immunity," as this court has rightly stated, citing *Polzin v. Gage,* 636 F.3d 834, 838 (7th Cir. 2011); see also *Pierson v. Ray,* 386 U.S. 547, 554 (1967) ("immunity applies even when the judge is accused of acting maliciously and corruptly"). However, the precedent on which this court relies was decided in 1967, and apparently this court didn't get the note that the U.S. Supreme Court, subsequently, held that state judges may be sued for civil rights violations **and may be ordered to pay the lawyers' fees of those who sue them successfully.** While the 5-to-4 decision permitted only suits for injunctions, not damages, it marked a significant retreat from the doctrine of absolute judicial immunity to which courts have long adhered. *Pulliam v. Allen,* 466 US 522 (1984)

> "Petitioner took an appeal from the order awarding attorney's fees against her. She argued that, as a judicial officer, she was absolutely immune from an award of attorney's fees. The Court of Appeals reviewed the language and legislative history of 1988. It concluded that a judicial officer is not immune from an award of attorney's fees in an action in which prospective relief properly is awarded against her. Since the court already had determined that judicial immunity did not extend to injunctive and declaratory relief under 1983, 3 the court concluded that prospective relief properly had been awarded against petitioner. It therefore affirmed the award of attorney's fees. *Allen v. Burke,* 690 F.2d 376 (1982)." ***Pulliam v. Allen,* 466 US 522, at 528 (1984)**

Petitioner, Judge Gladys Pulliam, was a state Magistrate in Culpeper County, Va., who, in her official capacity, issued an ***order*** – to order the "practice of incarcerating persons waiting trial for nonincarcerable offenses." (*Id*. At 526) **She was not immune from being sued for this.**

Moreover, *Polzin*, decided more recently, in 2011, was distinguished from *Pulliam* because *Polzin* "maintains that the district court improperly ruled on the merits of his claims" (*Polzin, at* 838), which, unlike *Pulliam*, did not involve a request for injunctive relief. My complaints, however, do indeed seek appropriate injunctive and declaratory remedies.

Before moving on to point 2, I would like to admit that this court is (legally, that is)

correct in implying that judicial immunity even protects a judge who had ordered a young woman to be sterilized without her knowledge or consent**:** He was absolutely immune from the woman's subsequent damage suit. *Stump v. Sparkman,* 435 US 349, at 355-364 (1978) ("*Held:* The Indiana law vested in the Circuit Judge the power to entertain and act upon the petition for sterilization, and he is, therefore, immune from damages liability even if his approval of the petition was in error.") It's safe to say that Judge Harold D. Stump, who granted the "Petition To Have Tubal Ligation Performed On Minor and Indemnity Agreement," committed grave error, which suggests that *Stump* is 'bad' case law —and brings into question the concept of judicial immunity (and suggests that the U.S. Supreme Court didn't go far enough in *Pulliam v. Allen,* 466 US 522 to satisfy Due Process, or properly inform judges that they may be held accountable for their acts). On the other hand, there's a good argument that the "chilling effect" of possible lawsuits would make it difficult to have an independent judiciary. Nonetheless, while this court is "legally" correct, if case-law protects Judge Stump, it's probably 'bad' case-law, in which *Pulliam* needs to be "expanded" a bit to rein in 'bad actors' on the bench, who give all other judges (most of whom are good judges) a bad name. But, as it stands, The Seventh Circuit is bound by recent case-law precedent on *Pulliam*, which does, indeed, allow for a limited amount of civil damages from judges who, acting in their official capacity, **issue illegal / unconstitutional <u>orders</u>** and, thereby—who willfully violate litigants' Civil Rights**—and are <u>successfully</u> sued.**

II. Whether individual judges (persons) can be sued via injunctive or declaratory relief

This asks the same legal question as "IV," below, and will be addressed there.

III. Whether the state courts (instrumentalities) are "suable entities" for monetary damages

I will admit that, on this one, narrow, legal point, this court correctly applied case-law to

my case**:** It is well settled law that the Eleventh Amendment generally doesn't bar suits for damages against state officers, so long as those officers are sued in their individual capacities. See, e.g., *Kentucky v. Graham,* 473 U.S. 159, 165-66, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985). That point was well proved in point "I," above. But, the opposite is also true**:** The Eleventh Amendment does, indeed, protect a governmental entity (the Illinois state courts, in this case) from monetary damages:

> "[To hold that fees can be recovered from a governmental entity following victory in a personal-capacity action against government officials] would be inconsistent with the statement in *Monell, supra,* that a municipality cannot be made liable under 42 U. S. C. § 1983 on a *respondeat superior* basis. Nothing in the history of § 1988, a statute designed to make effective the remedies created in § 1983 and similar statutes, suggests that fee liability, unlike merits liability, was intended to be imposed on a *respondeat superior* basis...Section 1988 simply does not create fee liability where merits liability is nonexistent." *Kentucky v. Graham,* 473 U.S. 159, at 168."

IV. Whether the state courts (instrumentalities) are "suable entities" for injunctive or declaratory relief – and, per II., above, can "individual judges (persons)" be sued for injunctive and declaratory relief? [[I address both point 'II' and 'IV' here.]]

Here is where the court totally goes off the rails and ignores clear, unambiguous case-law**.** The court, in its 5/31/2019 order, briefly mentioned that it was dismissing the Preliminary Injunction Motion [2] as "moot," but it gave no legal reasons for this, whatsoever—other than to address related, but distinct, limitations on the court's authority. (Oddly enough, the court's order didn't address injunctive or declaratory relief at all.) So, I want to "camp out," here for a bit**:** Indeed, even if this court isn't persuaded by my "judicial immunity" arguments, above, this matter is so solidly-grounded in case-law that it would risk great confusion in the legal community, and bring a bad name upon the court if it were to not give serious consideration to my complaints for injunctive and declaratory relief**:**

First off, if this court doubts, even for a second, my legal bases, then it should inform a long line of state judges who are often sued in Federal Court, for their judicial actions *(including issuance of orders),* and very-often lose—some even paying attorney fees (see *Pulliam*, above)**:**

We all remember when Alabama Chief Justice Roy Moore entered an order that U.S. Supreme Court's decision in *Obergefell v. Hodges* 135 S.Ct. 2584 (2015) "does not disturb the existing March orders in this case or the Court's holding therein that the Sanctity of Marriage Amendment, art. I, § 36.03, Ala. Const. 1901, and the Alabama Marriage Protection Act, § 30-1-9, Ala. Code 1975, are constitutional." ***Ex parte State ex rel. Alabama Policy Inst.,*** 2016 WL 859009, at *5, *39 (Ala. Mar. 4, 2016). But, does anyone remember what happened next?

All it took was one single U.S. District Court judge to grant relief when Justice Moore was sued**:** "Plaintiffs' motion for permanent injunction and final judgment (Doc. 142), is GRANTED." ***Strawser v. Stranger, et. al.,*** No. 1**:**2014cv00424 - Document 179 (S.D. Ala. 2016), Hon. Callie Virginia Smith "Ginny" Granade, U.S. District Judge, writing for the court.

The line of state court judges (and entire state courts) who often get hit with injunctions is so long that space would not permit me to properly document & list them. It should be noted, however, that this court improperly applied ***Koorsen v. Dolehanty,*** 401 F. App'x 119, 120 (7th Cir. Oct. 29, 2010) because it relied upon these three standards "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief," none of which apply to the case at bar**:**

First off, no one could assume that my case is frivolous or malicious. Secondly, I do state a claim—a number of them, in fact. Lastly, The U.S. Supreme court recently did indeed hold that monetary relief may issue in limited circumstances, some of which apply to my case. (I am not

malicious: In fact, I "go to bat" for judges on the appeals court, defendants in this case, who might be victimised by *'de minimus'* requests for a huge record, whose cost—when compared with the damages sought—is cost-prohibitively large. The same might not be said of the judges.) See. e.g., "Exhibit-R," attached to this complaint: In his 05/03/2018 order, Justice Pierce held that: "IT IS HEREBY ORDERED THAT This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572). Motion denied." (EXHIBIT-R – Underline for emphasis – not in original) I'm not speculating about the motives of this judge. (That would be inappropriate, and furthermore, I honestly don't know his motives, and must assume the best: Perhaps he was pressured into this by colleagues.) But, regardless of his motives, he lied three (3) times: [[#1]] Case law I cited in my complaint [1] and as amended [13] clearly document case law from Illinois that **permits intervention,** thus vesting his court with jurisdiction. [[#2]] a fee waiver decisions by the lower court can be appealed like any other decision, as his court has jurisdiction to entertain all appeals. [[#3]] ILLINOIS State Supreme Court "Rule 321" certainly **and explicitly** grants jurisdiction to Justice Pierce's court to expand or shrink the record on appeal.

Now, either Justice Pierce (and the other 6 appellate justices) lied - or they didn't. (Which is it?) The **§1983** violations enumerated in my complaint [Docs 1 and 13] were meticulously documented –thus, certainly violations of my civil rights, and not immune from either injunctive or declaratory relief. **And they lied about it too.** *Is this court 'OK' with that? Oh, really?*

Here, where I live, in central Florida, is the "Lakeland, Florida Police Department" or 'LPD' for short. They, like the infamous New Orleans, Louisiana Police Department, are famous (or, should I say, infamous) for acting illegally under the colour of law**.** Google**:** Lakeland

Florida Police Department corruption, if you doubt:

www.Google.com/search?&q=Lakeland+Florida+Police+Department+corruption

And, regarding N.O. Police Department, they are infamous for "gun grabbing" during Hurricane Katrina: "Police Begin Seizing Guns of Civilians," By Alex Berenson and John M. Broder, ***New York Times,*** SEPT. 9, 2005: https://www.nytimes.com/2005/09/09/us/nationalspecial/police-begin-seizing-guns-of-civilians.html

Why am I mentioning these cases? Is it to threaten or intimidate the court into issuing a good ruling? (No: This would not only be improper, but, given the limited scope of my personal blog, most-likely impossible: Remember, I'm not the *NY Times*.) But, while I can't (and don't desire to) threaten or intimidate the courts, nonetheless, the courts are become their own worst enemy, and that is bad for many reasons, a chief one being that many, if not most, judges are honest. (I believe that even the judges - who are defendants - are trying to be honest, but are intimidated or scared by colleagues, and are issuing "bullying" rulings to keep from being fired.)

In short, when one judge tells bold-faces lies (like Justice Pierce – Exhibit "R"), ALL judges (and courts) look bad in the public eye. And when many judges lie and misuse their power (as has happened in my case alone – see the 10 named defendants here alone), all courts look "really bad," and this makes the work of honest judges (the majority of them) much, much more difficult. (Moreover, it is wrong, as both a matter of law and a matter of conscience.) Lest we forget how illegal courts can wreck the legal system (and if Judge Stump, above, wasn't enough), let me remind this court that a 7-2 majority of America's highest court, not too long ago, held that "[T]he negro might justly and lawfully be reduced to slavery for his benefit." Chief Justice Roger B. Taney, writing for the Court. ***Dred Scott v. John F. Sanford*, 15 L.Ed. 691; 19 How. 393; 60**

US 393 at 407.(US 1857). How did that work out? Add to that that a loss in my case would forfeit the intervention, which would forfeit the opportunity to reopen Mr. Daniggelis' case (and thus potentially get him his house back, and prevent an elderly man from being homeless, possibly saving his life). Because ILLINOIS courts allowed Atty. Joseph Younes and his law partner Paul Shelton (who lost his license for **prior** mortgage fraud, in a high-profile case—Exhibit-'T') to steal Daniggelis' house even *after* courts admitted a forged warranty deed, Younes was able to gut and destroy the house, and is a defendant in an ongoing City Code Violation case. If you doubt my claims about my friend, please refer to the recent ***DNAinfo*** story—Exhibit 'S':

> "Younes has previously insisted the building naturally "rotted" with age. Who should turn up at the hearing, however, but previous owner Richard Daniggelis. "Oh, I love this," he said. "I just love this." Maintaining that he was still the rightful owner of the building, Daniggelis said, "That house, every inch, is precious to me." Bought by his grandfather in 1911, it was the home the 78-year-old was brought home to as an infant. "It was fine. The roof was fine," he said. "That foundation was solid," he added, as it was poured by his father in 1960 with elements of steel mixed in. "I was evicted because of the falsification of documents," Daniggelis charged, adding that he was still pursuing the case in court." ***Source:*** "'Rotted' Old Town Triangle House Owner Faces Daily $1K Fine As Charges Fly," By Ted Cox @tedcoxchicago, ***DNAinfo,*** April 7, 2017: https://www.DNAinfo.com/chicago/20170407/old-town/rotted-old-town-triangle-house-owner-faces-daily-1k-fine-as-charges-fly/

Conclusion: I don't have high hopes of pursuing monetary damages against these judges [even though the recent U.S. Supreme Court ruling in *Pulliam v. Allen,* 466 US 522 permits me an award of attorney's fees from these judges who are breaking the law], which would apply as my "time off " from work is a loss –and a tort. However, at a minimum, injunctive relief can (and should) issue forthwith, compelling the defendants to grant me the civil rights which are detailed in my amended complaint [13], Deprivation of a right without Due Process of Law being a complaint**:** Judicial immunity is logically precluded and excluded by authority of 18 USC 242

and 42 USC 1983. The U.S. Supreme Court, in *Mitchum v. Foster,* 407 U.S. 225, 237 (1972), held that a 42 U.S.C. §1983 suit is an exception to §2283 and that persons suing under this authority may, if they satisfy the requirements of comity, obtain an injunction against state court proceedings: Since 42 U.S.C. §1983 is just such an exception, This Court may issue injunctive relief—**and *Mitchum* even went further,** holding that an exception need not "on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-injunction statute." (*Id.* At 237) My case-law is binding upon the Seventh Circuit, most especially since it comes from from higher Federal Courts. This court may verify my cites, but it must comply.

Respectfully submitted, /s/ **Mr. Gordon Wayne Watts**

Date: _Thursday_, this **_27th_** day of **_JUNE_**, 2019 /s/ _____
(Day of Week) (Ink signature if printed and mailed)

Certificate of Service

I, GordonWayne Watts, hereby certify that I am, now, filing a copy of this motion ("**Rule 59 motion to alter / amend judgment concurrent with Rule 60 motion for Relief from Judgment / Order**") with the clerk of the Circuit Court, Northern District of Illinois, Eastern Division, **via CM/ECF,** this **_27th_** day of **_JUNE_**, 2019, but on no one else, as Judge Dow's order of 5/31/2019 found me *In Forma Pauperis. I shall attempt to mail a printed "courtesy copy" to Judge's Chamber, if able, and—if able—also notice up a motion for a phone hearing.*

Respectfully submitted,

Date: _____ /s/ **Mr. Gordon Wayne Watts**

Signature of Counsel: /s/ _____

(Ink signature if printed and mailed)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***
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UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois − CM/ECF LIVE, Ver 6.3.1
Eastern Division

Gordon Wayne Watts

Plaintiff,

v.

Case No.: 1:19−cv−03473
Honorable Robert M. Dow Jr.

Circuit Court of Cook County Illinois, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, July 8, 2019:

MINUTE entry before the Honorable Robert M. Dow, Jr: Plaintiff's motion to alter or amend judgment [20] is taken under advisement. The Court will issue a ruling by mail. Notice of motion date of 7/9/2019 is stricken and no appearances are necessary on that date. Mailed notice(cdh,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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