No. 14-55784

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STEVEN (LASER) HAAS
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Plaintiff-Appellant Pro Se

v.

WILLARD MITT ROMNEY
AND
MORRIS NICHOLS ARSHT & TUNNEL, et., al.

Defendants-Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FROM THE EASTERN DISTRICT OF CALIFORNIA
District Court Case No. 2:13-cv-7738

PLAINTIFF OBJECTION TO DEFENDANTS EFFORTS OF FRAUD ON COURT

I PRECEDING HISTORY

Whereas I, Steven Haas (a/k/a "Laser" Haas), a "*pro se*" party, as plaintiff/ appellant did file a cause of action versus Willard Mitt Romney and his co-Defendants, on October 18, 2013.

Learning as plaintiff goes along and realizing that there were great deficiencies, plaintiff served the 1st Amended Complaint ("FAC") upon the initial named Defendants.

After filing the 2nd Amended Complaint (believing plaintiff could do so per Federal Rule Civil Procedure ("FRCP") - 15(a) and its 21 day rule; plaintiff also went to watch the particular court in action and witnessed the District Court give instruction – over and over - to attorneys, on brevity.

Plaintiff then panicked; and sought advice from "*pro se*" clinic.

After making improvements (*such as efforts to make salient points by using non-complex sentences*); a 3rd Amended Complaint ("3AC") was filed.

Meanwhile, Defendants filed various **FRCP 8(a)** & **12(b)(6)** Motions to dismiss; which the District Court in Los Angeles granted under the 1881 U.S. case of *Barton v Barbor* (Barton *doctrine*) and FRCP 8(a), 12(b) and frivolity.

There has never been a permitted amended complaint and/or any instruction by the District Court – to this *pro se* – on needs to amend.

Denial of *informa pauperis* request by the District Court, stipulated plaintiff's case was frivolous.

Though this Court (*initially*) did find plaintiff's *informa pauperis* filing had no deficiencies; but this Circuit agreed with the District Court's finding of frivolity and ordered this plaintiff to pay the $505 fee and to file proof of fee paid that could also coincide with a "Show Cause" response as to why plaintiff's case shouldn't be dismissed.

Plaintiff begged and borrowed the $505 filing fee; and also submitted proof with the corresponding "Show Cause" response on September 11, 2014.

Defendants replied on September 22nd & 23rd, 2014, to plaintiff's "Show Cause" order response; making various arguments to this Court that it should dismiss plaintiff's case and deny any amends.

Appellant files this pleading – addressing the core points of fraud on the court by officers thereof – and Objects to Defendants bad faith arguments.

II ESSENCE OF DEFENDANTS ARGUMENTS

Defendants Willard Mitt Romney ("Romney") and Morris Nichols Arsht & Tunnel ("MNAT") – et.al., - argue that plaintiff's "Show Cause" reply is untimely; because it was marked sent out on September 12, 2014.

Defendants argue that plaintiff's response wasn't "*simultaneous*".

Additionally, MNAT/ Barry Gold argue that "Haas' Show Cause Statement fails entirely--" and that "*Haas offered no reason to disturb* (and none exists) *the District Court's ruling that he is precluded from relitigating claims that had been previously adjudicated elsewhere* [Dkt. No. 66]."

MNAT's filing then goes on to stipulate that "*Haas ignores* (and has no basis to challenge) *the District Court's ruling that the four-year statute of limitations applicable to RICO claims bars his claims* [Dkt. No. 96]."

Defendants counsel(s) seek to testify to facts not in evidence.

Defendant Romney's counsel seeks to testify that;

"*Appellants Response consists almost entirely of the same factual allegations made in Appellant's voluminous filings in the District Court. To the extent that Appellant's Response contains legal, it fails to address any of the actual grounds--".*

Defendant MNAT's counsel seeks to testify that;

"*Haas's Show Cause Statement, like the four versions of his complaint in the proceeding below, is a rambling, disjoined and largely unintelligible document, laden with irrelevant, if not paranoid, accusations, as we as ad hominem attacks, directed against the Responding Appellees, the other defendants in the case below and others not before either court*."

III ARGUMENTS OF PLAINTIFF

OBJECTIONS

Plaintiff Objects to counsels of Defendants attempting to testify to facts not in evidence; whereas Defendants' counsels are not permitted to testify!

Not once has any Defendant addressed (*on point*) any versions of this plaintiff's complaints. As per this Circuit's Published April 2014 Opinion in the case of Courthouse News Service v Michael D. Planet #11-57187; complaints must be taken as true until there's "factual" evidence that proves to the contrary. Thus far Defendants are collaterally attacking without merits.

Various banter of Defendants counsel seeks to obfuscate the issues at hand; which are refusals to prosecute actual crimes – including Obstruction and Retaliation (where both of such are "*predicate acts*" under Racketeering Influences & Corrupt Organizations {"RICO"} Act of 1970 Section 1961).

There's also the issues of *fraud on the court* by *officers of the court* that are already part of the public docket record (in eToys); including admittance by Paul Traub's (a Defendant never responded to any complaint) law firm of Traub Bonacquist & Fox ("TBF") to ***intentionally*** deceiving a federal court.

Both TBF and MNAT have already confessed to supplication of bogus Bankruptcy Rule 2014/2016 – Affidavits (at least 33) – in the eToys.com Delaware Bankruptcy case (DE Bankr. 01-706 {2001}).

TIMELINESS OF PLAINTIFF'S "SHOW CAUSE" RESPONSE

Holding to the stance that this plaintiff didn't timely reply to this Court's order to "Show Cause" is also disingenuous, as a desire to escape prosecution.

Plaintiff was mailed this Court's order; and as such is granted 3 add on days per Federal Rule Civil Procedure 26(c) – that stipulates;

> (c) ADDITIONAL TIME AFTER SERVICE. When a party may or must act within a specified time after service, 3 days are added after the period would otherwise expire under Rule 26(a), unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26(c), a paper that is served electronically is not treated as delivered on the date of service stated in the proof of service.

Also, this Court's order to pay the fee and file the "Show Cause" was never actually received by plaintiff. The Address of 108 Jewel Street, Delmar, DE – is my brother's place (because plaintiff is homeless in Los Angeles). It was only by grace of calling the clerk that I learned of the order's existence.

Finally the word simultaneous means "*occurring, operating or done at the same time*". This plaintiff did file the fee on the 21st and did "*simultaneous*" take the Response and proof to UPS where he could also get a notary to sign the Declaration (which was signed on the 21st). Then UPS informed this party that items were past the 4:30 deadline - couldn't go out that day (Thursday); and hence went out the following day (within all meanings of simultaneous as well as the 3 added days when an Order is mailed when party is not present)!

PRIMARY ISSUE IS FRAUD ON THE COURTS & LIES UNDER OATH

From the beginning, this plaintiff has argued Defendants are engaging in law breaking/conflicts of interest (bad faith) and frauds on the courts.

In order for this court to understand the entirety of plaintiff's case, it needs to be aware of the background of core issues at hand.

There is no doubt of MNAT and Paul Traub's TBF law firm guilt; as they have already confessed (in eToys – partially) to supplication of bogus affidavits to eToys bankruptcy court. Both MNAT and Paul Traub's (one) law firm of TBF, where sanctioned for failure to disclose in the eToys case!

Being that both MNAT and Barry Gold have proffered the Published "*Opinion*" of the Delaware Bankruptcy Court, of October 4, 2005[1] – as evidence against this plaintiff; they are therefore forbidden to object to such as being evidence. (See item 19 "*true and correct copy of* [eToys] *Opinion of the United States Bankruptcy Court*" of MNAT's Declaration to Motion to Dismiss this plaintiff in the lower Los Angeles District Court docket item 20-1).

In the eToys "*Opinion*", it states, in first footnote, that "*This Opinion constitutes the findings of fact and conclusions of law--*". Then that eToys court finds (on pages 26 third paragraph) that "*MNAT had an actual conflict of interest it was not qualified to represent the Debtors' in asserting their claims against Goldman* [Sachs]"

On page 28 of the eToys "*Opinion*" (at bottom of page) that court concludes that "*The Court notes, further, that MNAT's actions did result in harm to the* [eToys] *estate*".

This Circuit's 2013 findings in the case of *Anwar v Johnson* 11-16612) is upholding the ubiquitous standard of *In re Middleton Arms, L.P.* 934 F.2d 723, 725 (6th Cir. 1991) ("*bankruptcy courts cannot use equitable principles to disregard unambiguous statutory language*").

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[1] Published eToys Opine – court link of October 5, 2005; which is referred to by MNAT and Barry Gold as evidence http://www.deb.uscourts.gov/sites/default/files/opinions/judge-mary-f.walrath/etoysmnatfees.pdf

The eToys court ruled contrary to law; and no court can take clear error (especially one that assists organized criminals) and continue to permit vault robbers to keep the keys to the vaults they are fleecing.

There's issues of continuous Obstruction of Justice, Destroyed Evidence, furtherance of the racketeering and Retaliation against this plaintiff (who is victim among many victims). The eToys bankruptcy court made an errant finding of fact/conclusion of law that this plaintiff has the unequivocal right to "*relitigate*", in perpetuity, until it is properly addressed upon its merits.

As detailed on 29 of the eToys "*Opinion*" under part v. Remedy - the1st paragraph - that;

> "*Because the case is now over, disqualification of MNAT as counsel to the Debtors is not practical".*

This errant conclusion of law is clear error & abuse of discretion (even if you'renot a victim such as plaintiff); because no court has the authority to war against the law and to reward bad faith acts. ("*No state legislator or executive or judicial officer can war against the Constitution without violating his* [her] *solemn oath to support it*" – *Cooper v Aaron* U.S. 358 (1958)).

Additionally, the "*Opinion*" concludes (on pages 51 & 52) that there was no proof of Perjury and that the eToys court "*Consequently, the court finds no reason to refer this matter to the U.S. Attorney*".

As is documented by the recent Eleventh Circuit case of *Global Energies* (11 th Cir. #13-11666) the Circuit opined that;

> *"By applying the wrong legal standard – to Rule 60(b)(2) motion, the bankruptcy court abused its discretion".*

As is also opined in Global Energies, a "*lawyer may not offer testimony that the lawyer knows to be false*" nor "*knowingly offer evidence that the lawyer knows to be false*".

Plaintiff has cautioned – from the outset – all new counsels representing the Defendants hereof; not to supplicate frauds on these courts!

The [Delaware] U.S. Attorney that the eToys court would have been sending the case to (as is required by Law under 18 U.S.C. $ 3057(a)); would have been Defendant of this case Colm Connolly (who was an MNAT partner 2001) http://www.justice.gov/archive/olp/colmconnollyresume.htm .

All of these issues should have been handled in eToys; but every federal agent/ agency and/or judicial officer – are bending over backwards to permit admitted liars under oath (confessions of MNAT & TBF to {at least} 33 bogus affidavits to the court); and the fact that it is documented Paul Traub's TBF firm did intentionally leave the lies to stand before the court.

Plaintiff pointed out, *inter alia*, (in his "Show Cause" Response) that the Defendants are running a RICO.

Plaintiff also pointed out the Defendants "busting out" of interstate commerce, includes an "association in fact" (a/k/a "***Bankruptcy Ring***").

To poke a firm hole in the Defendants contention of Defendants banter that "none exists" and/or "has no basis to challenge" and/or " frivolous; plaintiff's 3rd Amended Complaint ("3AC") item number 15 - denotes the fact that Congress coined the phrase "***Bankruptcy Ring***" and 3rd Cir. affirmed (*In re Arkansas* 798 F.2, 645).

Whereas, at the barest of minimums, plaintiff has argued that the District Court's ruling of *Barton doctrine* is inappropriate due to willful misconduct and negligence (the abuse of "gross" is a faux pas of Defendants MNAT, Paul Traub and Barry Gold's design).

As noted in plaintiff's "Show Cause" response, on page 19, there's an issue of first impression before this Court.

Whereas, the RICO Act was established in 1970 and it contains many "predicate act" issues of Bankruptcy Crimes Sections 152 through 156; which also contains Adverse Interest of Officers, Fraud and Scheme to Fix Fees.

Plaintiff proposed, as an issue of first impression that the RICO Act of 1970, containing Bankruptcy Fraud schemes, wasn't meant by Congress to be mooted by an 1881 "*doctrine*". Specifically because the RICO Act (as per Sedima mentioned in plaintiff's "Show Cause" response) was meant to fill in

"prosecutorial gaps" by creating "Private Attorney General" positions for extraordinary efforts of sophisticated crimes. And (as plaintiff alleges in every version of his briefings) Colm Connolly, an MNAT partner from 1999 to 2001; was then arranged to become the head federal prosecutor (who declined to investigate and/or prosecute the parties "confessed" lies – for years).

Additionally (poking another hole in Defendants claim of frivolity {lacking any merits whatsoever}); plaintiff stipulates in his 3AC item 135 that the "Harm to Plaintiff" is MNAT's forgery claiming this litigant "waived" his right to his companies compensation – AFTER – Defendant Romney claims to have retired and Defendant Colm Connolly was moved out of MNAT – to become the Delaware U.S. Attorney.

Documenting harm to interstate commerce and plaintiff's business is a requisite of RICO; and such is never a frivolous notion.

CRIME OF eToys BEING SOLD BY DEFENDANTS TO THEMSELVES

Defendants are utilizing their previous success in fraud on the court – as OFFICERS of the court; and seek to foster that crime to a new platform here.

It is plausible that such is **Retaliation** and **Intimidation** of this plaintiff, who was a witness to, and whistleblower of, Defendants organized crimes.

Furthermore, there's an ongoing criminal conspiracy as was pointed out in the 3AC; which details the fact that Defendants are ALL directly linked to

each other – and sold eToys to themselves (where MNAT has ongoing links to Bain Capital/Romney issues, Michael Glazer was CEO of Kay Bee while also being a director of Stage Stores {owned by Romney} where Barry Gold was the director's assistant who hired Paul Traub's firm at Stage Stores.

Plaintiff supplied TBF's Supplemental Stage Stores Bankruptcy Rule 2016 Affidavit, in order to document the pathological lying/evasiveness of the Defendants scheming. Such plots/ploys were carried over into Kay Bee, eToys, FAO Schwartz and many other cases like The Parent Company bankruptcies.

All of these crimes alleged that must be taken as true – until evidence proof contrary - are "predicate acts" crimes; and issues for TRIAL!

Item 51 of plaintiff's 3AC stipulates MNAT merged Defendant Romney's "The Learning Company" with Mattel. Item 63 of plaintiff's 3AC points out the fact that MNAT represents Bain Capital of the $83 million that Michael Glazer (CEO Of Kay Bee) paid Mitt Romney's Bain Capital; before filing bankruptcy of Kay Bee. This too, is a RICO predicate act bankruptcy crime.

Plaintiff also points out, in Items 69 through 112 of his 3AC, that Barry Gold, MNAT and Paul Traub all have failed to disclose they work for Romney and/or his interests, when they sold eToys to Bain/Kay Bee for low prices. These are – <u>in the court docket record</u> – undeniable evidences of crimes.

Being that the eToys and Kay Bee bankruptcy cases are still open a decade after they were filed; the statute of limitations has not begun yet.

Therefore, if such allegations are true (and must be taken so as per this Circuit's Published April 2014 Opinion in the case of *Courthouse News Service v Michael D. Planet* #11-57187); then Plaintiff's are engaging in an "ON-going" criminal conspiracy to Obstruct Justice and Retaliate Against Victim/Witness for the sake of the success of their sophisticated law breaking efforts.

As is noted in this Circuit's opine in the *Courthouse News Service v Michael D. Planet*; complaints must be taken as true until evidence to the contrary is properly provided. Thus far Defendants haven't attacked the line items of this plaintiff's complaints; but obfuscate by collaterally attacking them all – (failing to address line item specific facts alleged).

MNAT and Barry Gold don't (can't) deny the fact that they worked for Mitt Romney and/or his interests when they submitted false affidavits to be employed by eToys. Defendants are simply hoping and praying that their mass betrayals of court approved clients (conflict of interest), scheme to fix fees and other bust out/ bankruptcy (ring) crimes; shall prevail.

Their counsels proffer of the arguments that this plaintiff is trying to relitigate the eToys issues is a fraud on the court – when Defendants fail to note to the District Court and this Circuit, their previous lies under oath.

As it is plausible that the guilty parties seek to retaliate against the whistleblower (plaintiff); then such is not a frivolous issue – for Trial!

ISSUES OF MITT ROMNEY, GOLDMAN SACHS & BAIN CAPITAL

Defendants constantly are benefiting from the fact of their power. If any other person attempted the crimes they have, prison time would occur.

Departing U.S. Attorney General stated publicly that no one is too big to prosecute and/or jail; but that's not been true in this case. Defendants direct links to the Department of Justice is (apparently) causing the Justice agents to back off (that and the fact Romney might run again for POTUS).

Even if you give all the benefit of the doubt in the world to Defendant Romney; the fact of the matter remains that he bragged (often) of his getting millions each year from Bain Capital. If Bain is doing fraud then, as plaintiff has alleged and court docket items can easily document; then Romney too – has benefited from fraud (at the barest of minimums he must return money).

A civil RICO case need only document (by the "*preponderance of the evidence*" standard) that Mitt Romney received "indirect" benefit.

If Defendant Romney wanted to absolve all of this from being directly linked to him; then why did he lie about his tenure at Bain Capital (an issue for trial and noted upon plaintiff's 3AC). Can any party benefiting from organized crimes; claim preclusion by "*retroactive*" retirement?

STATUTE OF LIMITATIONS

Defendants arguments that the statute of limitations in this case are bound to a bright line 4 years, is nothing more than wishful thinking. As the U.S. Supreme Court has done of *In re Hazel-Atlas Glass v Hartford Empire* 322 U.S. at 238, 64 S.Ct. 997; the Supreme Court of the land re-opened a case closed for many years – to address issues of fraud on court by officers.

Both the United States Trustee and the "*Opinion*" of the eToys court did cite the case of Hazel Atlas Glass and the eToys judge (correctly) stated to not address frauds by officers issues; would result in punishing [plaintiff] and rewarding conflicted attorneys.

Then that same court has done the very thing it said it shouldn't do!

There are many cases involved here. Including, but not limited to, Kay Bee, Stage Stores, FAO Schwartz, the Parent Company, eToys and more.

Additionally, MNAT confessing it represents Goldman Sachs and then handpicking their cohort in crime (Paul Traub) to sue Goldman Sachs, is a high crime recent, against both the federal courts of eToys and NY Supreme Court.

Colm Connolly being put in as U.S. Attorney from August 2001 to 2008. If (*as plaintiff alleges and has the proof of a Federal archived Connolly/MNAT resume*); then no party linked to Connolly's corruption can claim preclusion!

Defendants would love for this court to take their blanket (untrue) remarks that plaintiff's case is frivolous; so that they may continue their criminal conspiracy success.

Capone would never be allowed to arrange for Nitti to be the federal prosecutor over his case and then be granted Constitutional protection from prosecution. Such is a massive mocker/assault upon justice - unlawful.

CONCLUSION

There's no question about – *whether or not* – certain Defendants broke the Law; as the MNAT, Barry Gold and Paul Traub confessions are docketed.

Furthermore, there's falsities under oath that we have of Paul Traub's January 25, 2005 admittance to deliberate acts that are frauds on the court (U.S. Trustee Motion to Disgorge Paul Traub's firm in eToys {docket item 2195 – February 15, 2005}).

This Circuit's own reflections of the U.S. Supreme Court case of *Dixon v Commissioner of the Internal Revenue* (#00-70858) cites U.S. Supreme Court case *In re Hazel-Atlas Glass v Hartford Empire* 322 U.S. at 238, 64 S.Ct. 997, as this Circuit remarked that "*Fraud on the court occurs when the misconduct harms the integrity of the judicial process*" and "*perpetrators of the fraud should not be allowed to dispute the effectiveness*". There is no statute of limitations!

Appellant has made many non-frivolous arguments genuine; and has testified to these facts (that have been unwavering for a decade) – Under Penalty of Perjury (many times).

Plaintiff – AGAIN – testifies under Penalty of Perjury to such. Even the Defendants counsel for Romney stipulates that;

> "*Appellant's Response consists almost entirely of the same factual allegations made--"*

Just because the Defendants are so powerful and influential that they can cause the Shut Down of the Public Corruption Task Force and get judges to abuse discretion in letting them off the hook; is no reason to justify that this Circuit must do the same.

There's very visible issues of retaliation, obstruction and fostering of fraud on the court by officers thereof. Until such is (properly) addressed; then this plaintiff has an unequivocal (in perpetuity) right to relitigate for justice!

MNAT, Barry Gold and Paul Traub are still putting forth a fraud on the court, as officers thereof (betraying court approved clients in the process), in the eToys.com bankruptcy case. Whereas MNAT as eToys Debtor's counsel, Barry Gold as post-petition CEO of eToys and Paul Traub as Creditor's firm; did sell eToys for reduced prices to Bain/Kay Bee – **Their Direct Links**!

Due to RICO crimes many, including Obstruction, Retaliation and more, this plaintiff moves this Court should find for plaintiff doing one more complaint. This pleading/Objection, shows the plaintiff is getting better at being less upset ranting and more to the point.

Plaintiff also seeks to be getting back the money borrowed to pay the filing fee and that this plaintiff can take these Defendants to trial who are clearly benefiting from bad faith acts?

Plaintiff prays the court sees "*truth needs no disguise*"!

Signed September 26, 2014 All Statements are True Under Penalty of Perjury by

Dated_____ /s/ Steven Haas (a/k/a Laser)
Pro se Plaintiff/Appellant