

FILED

2017 JAN 20 PM 12:10
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

1. Daniel Adam Borsotti
10153 Riverside Drive
2. Suite 501
3. Toluca Lake, California
661 312 3268
4. Sui Juris

8. UNITED STATES DISTRICT COURT
9. CENTRAL DISTRICT OF CALIFORNIA

10. Daniel Adam Borsotti,)	Case No.: CV 16-7603-FMO (JCx)
11. Claimant,)	FIRST AMENDED ACTION
12. vs.)	for Trespass and Case
13. Quality Loan Services)	Verified
14. Corporation)	
15. Defendants.)	

16. FIRST AMENDED ACTION

17. 1. This *FIRST AMENDED ACTION* replaces in its entirety the CLAIM
18. filed October 12, 2016.

19. 2. I am Daniel Adam Borsotti, one of the people of the United
20. States, and in this court of record ¹ make claim against
21. Defendant Quality Loan Services Corporation.

22. _____
23. ¹ (a) There shall be in each judicial district a district court which shall be a court of record known as the United
24. States District Court for the district. 28 U.S. Code § 132

25. -----
26. FIRST AMENDED ACTION for Trespass and Case (Verified)

1. JURISDICTION

2.
3. This action arises under the Constitution for the United
4. States of America and the laws of the United States of America
5. as follows:

6. Constitution for the United States of America

7. Amendment IV

8. Amendment XIV

9. 18 USC 241

10. 18 USC 242

11. 42 USC 1982

12. 42 USC 1983

13. 42 USC 1985(3)

14.
15. SUMMARY

16.
17. 4. On April 25, 2006, Claimant Daniel Adam Borsotti,
18. hereinafter Plaintiff, purchased the property commonly known as
19. "27508 Sycamore Creek Dr., Santa Clarita, California", the legal
20. description of which is,

21.
22. Lot 100 Of Track No. 32045, In The City of Santa
23. Clarita, County of Los Angeles, State of California,
24. as per map recorded in book 871, page(s) 90 to 97
inclusive of maps, in the office of the county
recorder of said county.

25.
26. 5. From the combined Federal land patent and County records
27. the property may be described as:

1. Grant Deed, recorded on May 17, 2007 as Doc #
2. 20071201485, MIN NO: 10019120360407009-1 in the
3. official records, Los Angeles County Recorder's
4. office.

5. California; Latitude: 34.451140, Longitude: -
6. 118.536633, And Section 10, Range 16 - West, and
7. Township 4 - North)", also known as a part of "Rancho
8. Santa Clarita".

9. 6. At no time did any bank fund the purchase, nor make any
10. loan, nor suffer any risk in the transaction. There is no note
11. that accurately reflects the reality of the transaction. At all
12. times Plaintiff paid all property taxes, insurance, utilities,
13. and maintenance, and other obligations and improvements on the
14. property. Now, despite protest, Defendant (a third party not a
15. holder in due course and not suffering any risk at any time)
16. wants to acquire the property without paying for it.

17. FIRST CAUSE OF ACTION

18. TRESPASS

19. 7. Paragraphs 1 through 6 are incorporated by reference as
20. though fully stated herein.

21. 8. Defendant has executed foreclosure proceedings under color
22. of law against Plaintiff. Defendant says Plaintiff owes it
23. value of approximately \$493,500. To enforce its false claim,
24. Defendant trespasses by filing bogus public documents and
25. threatening to invoke physical force backed by the power of the
26. State.

27. -----
FIRST AMENDED ACTION for Trespass and Case (Verified)

1. 9. Because Defendant is invoking pseudo foreclosure process
2. under color of law, it is libeling Plaintiff's reputation in the
3. community, as well as causing personal disruption of Plaintiff's
4. personal life, and emotional distress.

5.
6. 10. Defendant has a duty ² to not use color of law to conspire ³
7. against Plaintiff, nor take Plaintiff's property without due
8. process. ⁴ In the instant matter, Defendant has breached such
9. duty by attempting to deprive Plaintiff of his property.

10. Defendant is willfully depriving the rights, privileges and
11. immunities secured or protected by the Constitutions and laws of
12. the United States. ⁵

13.
14. 11. Defendant breached its duty when it intentionally published
15. false claims against Plaintiff when it filed bogus papers in the

16. _____
17. ² "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United
18. States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any
19. person within its jurisdiction the equal protection of the laws." Constitution for the United States of America,
20. Article XIV, Sect. 1

21. ³ "Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person
22. in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or
23. privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the
24. same;... They shall be fined under this title or imprisoned not more than ten years, or both;..." 18 USC 241

25. ⁴ "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United
26. States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any
27. person within its jurisdiction the equal protection of the laws." Constitution for the United States of America,
28. Article XIV, Sect. 1

29. ⁵ "Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or
30. custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the
31. deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United
32. States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his
33. color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not
34. more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if
35. such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined
36. under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in
37. violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an
38. attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any
39. term of years or for life, or both, or may be sentenced to death. 18 USC 242

1. Los Angeles County Recorder's Office. The filings showed in the
2. online Foreclosure listings.

3.
4. 12. Plaintiff has examined the papers and demands of Defendant.
5. Plaintiff does not see any factual or lawful basis for
6. Defendant's claim of jurisdiction ⁶ to foreclose under any non-
7. judicial or judicial process.

8.
9. 13. For that the above reasons, Plaintiff alleges that
10. Defendant has no jurisdiction ⁷ in this matter and may not
11. proceed with any foreclosure process.

12.
13. 14. Plaintiff demands that the court award damages to Plaintiff
14. against Defendant in the amount of Defendant's false claim of
15. \$493,500, plus punitive damages of \$987,000, and order Defendant
16. to cease all pseudo collection activities.

17.
18. ///////////////
19. ///////////////

20. _____
21. ⁶ "Where a Court has jurisdiction, it has a right to decide every question which occurs in the cause; and whether its
22. decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other Court. But, if it
23. act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and
24. form no bar to a recovery sought, even prior to a reversal, in opposition to them. They constitute no justification; and
25. all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers."
26. Elliott v Peirsol, 1 Pet. 328, 340, 26 U.S. 328, 340, 7L.Ed. 164 (1828)"
27. "Once challenged, jurisdiction cannot be 'assumed' it must be proved to exist".
Stuck v Medical Eaminers, 94 Ca.2d 751, 211 P. 2s 389" and; *Main v. Thiboutot*, 100 S.Ct. 2502

28. ⁷ "However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the
29. United States, it must be considered and decided, before any court can move one further step in the cause; as any
30. movement is necessarily the exercise of jurisdiction." . 6 Peters, 709; 4 Russell, 415; 3 Peters, 203-7" Cited by
31. STATE OF RHODE ISLAND v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838)

1. SECOND CAUSE OF ACTION

2. CASE

3.
4. 15. Paragraphs 1 through 6 are incorporated by reference as
5. though fully stated herein.

6.
7. 16. Arguendo that a loan was made, Defendant is not the holder
8. in due course. They have never provided any evidence that they
9. are the holder in due course. Defendant has intentionally
10. publicly libeled the title and Plaintiff with Defendant's bogus
11. claims without showing any vested interest in the property.

12.
13. 17. Because Defendant has never provided any "holder in due
14. course" evidence, and because Defendant has intentionally
15. publicly libeled the title and Plaintiff with its bogus claims,
16. Defendant has defamed Plaintiff's reputation within the credit
17. community as well as among family and friends.

18.
19. 18. Defendant has a duty to not libel the property title nor
20. the Plaintiff. Plaintiff has a right to a good name within the
21. aforesaid community and family and friends ⁸ and shall not be
22. deprived of such rights under color of law. ⁹ ¹⁰ The rights of

23. _____
24. ⁸ "Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person
25. in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or
privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the
same;... They shall be fined under this title or imprisoned not more than ten years, or both;..." 18 USC 241

26. ⁹ Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or
27. custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the
deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United
States, ... shall be fined under this title or imprisoned not more than one year, or both;..." 18 USC 242

1. the people to be secure in their person, houses, papers and
2. effects shall not be seized without due process of law. ¹¹

3.
4. 19. Defendant breached that duty. For that reason, plaintiff
5. alleges that defendant has no jurisdiction ¹² in this matter and
6. may not proceed with any collection proceeding.

7.
8. 20. Plaintiff demands that the court award damages to Plaintiff
9. against Defendants in the amount of Defendant's false claim of
10. \$493,500 plus punitive damages of \$987,000

11.
12. LAW OF THE CASE

13.
14. 21. Exhibit 17, *LAW OF THE CASE*, is included by reference as
15. though fully stated herein.

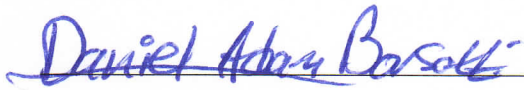
16.
17. //////////////

18.
19. ¹⁰ Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation,
20. custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any
21. citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges,
or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in
equity, or other proper proceeding for redress..." [42 USC 1983]

22. ¹¹ The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches
23. and seizures, shall not be violated; and no Warrants shall issue, but upon probable cause, supported by Oath or
Affirmation, and particularly describing the place to be searched and the persons or things to be seized. Constitution
for the United States of America, Amendment IV

24.
25. ¹² "However late this objection has been made, or may be made in any cause, in an inferior or appellate court of the
26. United States, it must be considered and decided, before any court can move one further step in the cause; as any
movement is necessarily the exercise of jurisdiction." . 6 Peters, 709; 4 Russell, 415; 3 Peters, 203-7" Cited by
STATE OF RHODE ISLAND v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838)

1. 31. For interest as allowed by law; and
2.
3. 32. For costs of suit incurred.
4.
5. 33. And such other and further relief as the court deems
6. proper;
7.
8. 34. I am Daniel A. Borsotti. I am the Plaintiff in this case.
9. I have read and understand the foregoing writing. I have
10. personal knowledge of the foregoing facts and am competent to
11. testify as to the truth of these facts if called as a witness.
12. I declare under penalty of perjury under the laws of the United
13. States that the foregoing facts are true and correct.
14.
15. 35. January 18 , 2017, Los Angeles County, California
16.

17. 

18. Daniel Adam Borsotti
19.
20.
21.
22.
23.
24.
25.
26.
27.

LAW OF THE CASE

1
2 1. The law of the case so far as it is not repugnant to or
3 inconsistent with the common law is the rule of decision in this
4 case and is decreed as follows:

5 2. This court takes judicial cognizance of the following:

6 3. JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon
7 which a judge is bound to act without having it proved in
8 evidence. [Black's Law Dictionary, 5th Edition, page 760]

9 4. The right of the people to be secure in their persons,
10 houses, papers, and effects, against unreasonable searches and
11 seizures, shall not be violated; and no Warrants shall issue,
12 but upon probable cause, supported by Oath or Affirmation, and
13 particularly describing the place to be searched and the persons
14 or things to be seized.

15 Constitution for the United States of America, Amendment IV

16 5. "No State shall make or enforce any law which shall abridge
17 the privileges or immunities of citizens of the United States;
18 nor shall any State deprive any person of life, liberty, or
19 property, without due process of law; nor deny any person within
20 its jurisdiction the equal protection of the laws."

21 Constitution for the United States of America, Amendment XIV,
22 Sect. 1

23 6. The sovereignty of the state resides in the people
24 thereof... [California Government Code, Section 100(a)].

25 7. The people of this state do not yield their sovereignty to
26 the agencies which serve them. [California Government Code,
27 Sections 11120].

28 8. The people of this State do not yield their sovereignty to
the agencies which serve them. [California Government Code
Section 54950.].

9. Laws, whether organic or ordinary, are either written or
unwritten. [California Code of Civil Procedure, Section 1895.].

10. The organic law is the Constitution of Government, and is
altogether written. Other written laws are denominated
statutes. The written law of this State is therefore contained
in its Constitution and statutes, and in the Constitution and
statutes of the United States. [California Code of Civil
Procedure, Section 1897].

11. A written law is that which is promulgated in writing, and

1 of which a record is in existence. [California Code of Civil
Procedure, Section 1896].

2 12. Any judicial record may be impeached by evidence of a want
3 of jurisdiction in the Court or judicial officer, of collusion
4 between the parties, or of fraud in the party offering the
record, in respect to the proceedings. [California Code of
Civil Procedure, Section 1916].

5 13. ...at the Revolution, the sovereignty devolved on the
6 people; and they are truly the sovereigns of the country, but
7 they are sovereigns without subjects...with none to govern but
themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L
Ed 440, 455 @DALL (1793) pp471-472.].

8 14. The very meaning of 'sovereignty' is that the decree of the
9 sovereign makes law. [American Banana Co. v. United Fruit Co.,
29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas.
1047.].

10 15. A consequence of this prerogative is the legal *ubiquity* of
11 the king. His majesty in the eye of the law is always present in
12 all his courts, though he cannot personally distribute justice.
13 (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the
king's image is reflected. 1 Blackstone's Commentaries, 270,
Chapter 7, Section 379.

14 16. The people of this State, as the successors of its former
15 sovereign, are entitled to all the rights which formerly
16 belonged to the King by his prerogative. [Lansing v. Smith, 4
Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law § 298; 18 C
Em.Dom. § 3, 228; 37 C Nav.Wat. \$.219; Nuls § 167; 48 C Wharves
§ 3, 7.].

17 17. A consequence of this prerogative is the legal *ubiquity* of
18 the king. His majesty in the eye of the law is always present in
19 all his courts, though he cannot personally distribute justice.
20 (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the
king's image is reflected. 1 Blackstone's Commentaries, 270,
Chapter 7, Section 379.

21 18.This declaration of rights may not be construed to
22 impair or deny others retained by the people. [California
Constitution, Article 1, Declaration Of Rights Sec. 24.].

23 19. The state cannot diminish rights of the people. [Hertado
24 v. California, 100 US 516.].

25 20. The assertion of federal rights, when plainly and
26 reasonably made, is not to be defeated under the name of local
practice. [Davis v. Wechsler, 263 US 22, 24.].

1 21. Where rights secured by the Constitution are involved,
there can be no rule making or legislation which would abrogate
2 them. [Miranda v. Arizona, 384 US 436, 491.].

3 22. There can be no sanction or penalty imposed upon one
because of this exercise of constitutional rights. [Sherer v.
4 Cullen, 481 F 946.].

5 23. Republican government. One in which the powers of
sovereignty are vested in the people and are exercised by the
6 people, either directly, or through representatives chosen by
the people, to whom those powers are specially delegated. [In re
7 Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v.
Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law
8 Dictionary, Fifth Edition, p. 626.].

9 24. Per Preamble, California Constitution, November 11, 1889,
"We, the people of the State of California, grateful to the
10 Supreme Ruler of the Universe for our liberties, do ordain this
constitution".

11 25. Per Preamble, Constitution for the United States of
America, 1789, "We the People of the United States, in Order to
12 form a more perfect Union, establish Justice, insure domestic
Tranquility, provide for the common defence, promote the general
13 Welfare, and secure the Blessings of Liberty to ourselves and
our Posterity, do ordain and establish this Constitution for the
14 United States of America".

15 26. The State of California is an inseparable part of the
16 United States of America, and the United States Constitution is
the supreme law of the land. [California Constitution, Article
17 3, Sec. 1.].

18 27. This Constitution, and the Laws of the United States which
shall be made in Pursuance thereof; and all Treaties made, or
19 which shall be made, under the Authority of the United States,
shall be the supreme Law of the Land; and the Judges in every
20 State shall be bound thereby; any Thing in the Constitution or
Laws of any State to the Contrary notwithstanding. [Constitution
21 for the United States of America, Article VI, Clause 2.].

22 28. "The judicial Power shall extend to all Cases, in Law and
Equity, arising under this Constitution, the Laws of the United
23 States, and Treaties made, or which shall be made, under their
Authority; to all Cases affecting Ambassadors, other public
24 Ministers, and Consuls; - to all Cases of admiralty and maritime
Jurisdiction; - to Controversies to which the United States
25 shall be a Party; - to controversies between two or more States;
-between a State and Citizens of another State; - between
26 Citizens of different States; - between Citizens of the same

1 State claiming Lands under Grants of different States, and
2 between a State, or the Citizens thereof, and foreign States,
3 Citizens, or Subjects." Constitution for the United States of
4 America, Article III, Section 2-1.

5 29. Conspiracy against rights: If two or more persons conspire
6 to injure, oppress, threaten, or intimidate any person in any
7 State, Territory, Commonwealth, Possession, or District in the
8 free exercise or enjoyment of any right or privilege secured to
9 him by the Constitution or laws of the United States, or because
10 of his having so exercised the same; or If two or more persons
11 go in disguise on the highway, or on the premises of another,
12 with intent to prevent or hinder his free exercise or enjoyment
13 of any right or privilege so secured - They shall be fined under
14 this title or imprisoned not more than ten years, or both; and
15 if death results from the acts committed in violation of this
16 section or if such acts include kidnapping or an attempt to
17 kidnap, aggravated sexual abuse or an attempt to commit
18 aggravated sexual abuse, or an attempt to kill, they shall be
19 fined under this title or imprisoned for any term of years or
20 for life, or both, or may be sentenced to death. 18 USC 241

21 30. Deprivation of rights under color of law: Whoever, under
22 color of any law, statute, ordinance, regulation, or custom,
23 willfully subjects any person in any State, Territory,
24 Commonwealth, Possession, or District to the deprivation of any
25 rights, privileges, or immunities secured or protected by the
26 Constitution or laws of the United States, or to different
27 punishments, pains, or penalties, on account of such person
28 being an alien, or by reason of his color, or race, than are
prescribed for the punishment of citizens, shall be fined under
this title or imprisoned not more than one year, or both; and if
bodily injury results from the acts committed in violation of
this section or if such acts include the use, attempted use, or
threatened use of a dangerous weapon, explosives, or fire, shall
be fined under this title or imprisoned not more than ten years,
or both; and if death results from the acts committed in
violation of this section or if such acts include kidnapping or
an attempt to kidnap, aggravated sexual abuse, or an attempt to
commit aggravated sexual abuse, or an attempt to kill, shall be
fined under this title, or imprisoned for any term of years or
for life, or both, or may be sentenced to death. 18 USC 242

31. Property rights of citizens: All citizens of the United
States shall have the same right, in every State and Territory,
as is enjoyed by white citizens thereof to inherit, purchase,
lease, sell, hold, and convey real and personal property.
42 USC 1982

32. Civil action for deprivation of rights: Every person who,
under color of any statute, ordinance, regulation, custom, or
usage, of any State or Territory or the District of Columbia,

1 subjects, or causes to be subjected, any citizen of the United
2 States or other person within the jurisdiction thereof to the
3 deprivation of any rights, privileges, or immunities secured by
4 the Constitution and laws, shall be liable to the party injured
5 in an action at law, suit in equity, or other proper proceeding
6 for redress, except that in any action brought against a
7 judicial officer for an act or omission taken in such officer's
8 judicial capacity, injunctive relief shall not be granted unless
9 a declaratory decree was violated or declaratory relief was
10 unavailable. For the purposes of this section, any Act of
11 Congress applicable exclusively to the District of Columbia
12 shall be considered to be a statute of the District of Columbia.
13 42 USC 1983.

14 33. Depriving persons of rights or privileges

15 If two or more persons in any State or Territory conspire or go
16 in disguise on the highway or on the premises of another, for
17 the purpose of depriving, either directly or indirectly, any
18 person or class of persons of the equal protection of the laws,
19 or of equal privileges and immunities under the laws; or for the
20 purpose of preventing or hindering the constituted authorities
21 of any State or Territory from giving or securing to all persons
22 within such State or Territory the equal protection of the laws;
23 or if two or more persons conspire to prevent by force,
24 intimidation, or threat, any citizen who is lawfully entitled to
25 vote, from giving his support or advocacy in a legal manner,
26 toward or in favor of the election of any lawfully qualified
27 person as an elector for President or Vice President, or as a
28 Member of Congress of the United States; or to injure any
citizen in person or property on account of such support or
advocacy; in any case of conspiracy set forth in this section,
if one or more persons engaged therein do, or cause to be done,
any act in furtherance of the object of such conspiracy, whereby
another is injured in his person or property, or deprived of
having and exercising any right or privilege of a citizen of the
United States, the party so injured or deprived may have an
action for the recovery of damages occasioned by such injury or
deprivation, against any one or more of the conspirators.

42 USC 1985 (3)

34. "However late this objection has been made, or may be made
in any cause, in an inferior or appellate court of the United
States, it must be considered and decided, before any court can
move one further step in the cause; as any movement is
necessarily the exercise of jurisdiction." . 6 Peters, 709; 4
Russell, 415; 3 Peters, 203-7" Cited by STATE OF RHODE ISLAND
v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838)

1 35. Conspiracy to interfere with civil rights: Depriving
2 persons of rights or privileges: If two or more persons in any
3 State or Territory conspire or go in disguise on the highway or
4 on the premises of another, for the purpose of depriving, either
5 directly or indirectly, any person or class of persons of the
6 equal protection of the laws, or of equal privileges and
7 immunities under the laws; or for the purpose of preventing or
8 hindering the constituted authorities of any State or Territory
9 from giving or securing to all persons within such State or
10 Territory the equal protection of the laws; or if two or more
11 persons conspire to prevent by force, intimidation, or threat,
12 any citizen who is lawfully entitled to vote, from giving his
13 support or advocacy in a legal manner, toward or in favor of the
14 election of any lawfully qualified person as an elector for
15 President or Vice President, or as a Member of Congress of the
16 United States; or to injure any citizen in person or property on
17 account of such support or advocacy; in any case of conspiracy
18 set forth in this section, if one or more persons engaged
19 therein do, or cause to be done, any act in furtherance of the
20 object of such conspiracy, whereby another is injured in his
21 person or property, or deprived of having and exercising any
22 right or privilege of a citizen of the United States, the party
23 so injured or deprived may have an action for the recovery of
24 damages occasioned by such injury or deprivation, against any
25 one or more of the conspirators. [42 USC 1985(3)].

14 36. Action for neglect to prevent: Every person who, having
15 knowledge that any of the wrongs conspired to be done, and
16 mentioned in section 1985 of this title, are about to be
17 committed, and having power to prevent or aid in preventing the
18 commission of the same, neglects or refuses so to do, if such
19 wrongful act be committed, shall be liable to the party injured,
20 or his legal representatives, for all damages caused by such
21 wrongful act, which such person by reasonable diligence could
22 have prevented; and such damages may be recovered in an action
23 on the case; and any number of persons guilty of such wrongful
24 neglect or refusal may be joined as defendants in the action;
25 and if the death of any party be caused by any such wrongful act
26 and neglect, the legal representatives of the deceased shall
27 have such action therefor, and may recover not exceeding \$5,000
28 damages therein, for the benefit of the widow of the deceased,
if there be one, and if there be no widow, then for the benefit
of the next of kin of the deceased. But no action under the
provisions of this section shall be sustained which is not
commenced within one year after the cause of action has accrued.
[42 USC 1986].

24 37. (a) Applicability of statutory and common law
25 The jurisdiction in civil and criminal matters conferred on the
26 district courts by the provisions of titles 13, 24, and 70 of
the Revised Statutes for the protection of all persons in the
United States in their civil rights, and for their vindication,

1 shall be exercised and enforced in conformity with the laws of
2 the United States, so far as such laws are suitable to carry the
3 same into effect; but in all cases where they are not adapted to
4 the object, or are deficient in the provisions necessary to
5 furnish suitable remedies and punish offenses against law, the
6 common law, as modified and changed by the constitution and
7 statutes of the State wherein the court having jurisdiction of
8 such civil or criminal cause is held, so far as the same is not
9 inconsistent with the Constitution and laws of the United
10 States, shall be extended to and govern the said courts in the
11 trial and disposition of the cause, and, if it is of a criminal
12 nature, in the infliction of punishment on the party found
13 guilty.

14 (b) Attorney's fees In any action or proceeding to enforce
15 a provision of sections 1981, 1981a, 1982, 1983, 1985, and 1986
16 of this title, title IX of Public Law 92-318 [20 U.S.C. 1681 et
17 seq.], the Religious Freedom Restoration Act of 1993 [42 U.S.C.
18 2000bb et seq.], the Religious Land Use and Institutionalized
19 Persons Act of 2000 [42 U.S.C. 2000cc et seq.], title VI of the
20 Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or section
21 13981 of this title, the court, in its discretion, may allow the
22 prevailing party, other than the United States, a reasonable
23 attorney's fee as part of the costs, except that in any action
24 brought against a judicial officer for an act or omission taken
25 in such officer's judicial capacity such officer shall not be
26 held liable for any costs, including attorney's fees, unless
27 such action was clearly in excess of such officer's
28 jurisdiction. [42 USC 1988].

38. COURT. The person and suit of the sovereign; the place
where the sovereign sojourns with his regal retinue, wherever
that may be. [Black's Law Dictionary, 5th Edition, page 318.].

39. COURT. An agency of the sovereign created by it directly or
indirectly under its authority, consisting of one or more
officers, established and maintained for the purpose of hearing
and determining issues of law and fact regarding legal rights
and alleged violations thereof, and of applying the sanctions of
the law, authorized to exercise its powers in the course of law
at times and places previously determined by lawful authority.
[Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's
Law Dictionary, 4th Edition, page 425].

40. There shall be in each judicial district a district court
which shall be a court of record known as the United States
District Court for the district. [28 USC § 132(a)].

41. There shall be in each judicial district a district court
which shall be a court of record known as the United States
District Court for the district. 28 U.S. Code § 132

1 42. COURT OF RECORD. To be a court of record a court must have
four characteristics, and may have a fifth. They are:

2 A. A judicial tribunal having attributes and
3 exercising functions independently of the person of
4 the magistrate designated generally to hold it [Jones
5 v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte
6 Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See,
7 also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688,
8 689][Black's Law Dictionary, 4th Ed., 425, 426].

9 B. Proceeding according to the course of common law
10 [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229;
11 Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J.
12 See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E.
13 688, 689][Black's Law Dictionary, 4th Ed., 425, 426].

14 C. Its acts and judicial proceedings are enrolled, or
15 recorded, for a perpetual memory and testimony. [3 Bl.
16 Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher,
17 C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225;
18 Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229;
19 Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229,
20 231].

21 D. Has power to fine or imprison for contempt. [3 Bl.
22 Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher,
23 C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225;
24 Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229;
25 Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229,
26 231.][Black's Law Dictionary, 4th Ed., 425, 426].

27 E. Generally possesses a seal. [3 Bl. Comm. 24; 3
28 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F.
481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S.,
D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis,
96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law
Dictionary, 4th Ed., 425, 426].

43. "Inferior courts" are those whose jurisdiction is limited
and special and whose proceedings are not according to the
course of the common law. Ex parte Kearny, 56 Cal. 212; Smith
v. Andrews, 6 Cal. 652; 7 Cal.Jur. 578.

44. 18 USC § 401. Power of court. A court of the United
States shall have power to punish by fine or imprisonment, or
both, at its discretion, such contempt of its authority, and
none other, as-

- (1) Misbehavior of any person in its presence or so near thereto
as to obstruct the administration of justice;
(2) Misbehavior of any of its officers in their official

transactions;

1 (3) Disobedience or resistance to its lawful writ, process,
order, rule, decree, or command.

2
3 45. 18 USC § 402. Contempts constituting crimes. Any person,
4 corporation or association willfully disobeying any lawful writ,
5 process, order, rule, decree, or command of any district court
6 of the United States or any court of the District of Columbia,
7 by doing any act or thing therein, or thereby forbidden, if the
8 act or thing so done be of such character as to constitute also
9 a criminal offense under any statute of the United States or
10 under the laws of any State in which the act was committed,
11 shall be prosecuted for such contempt as provided in section
12 3691 of this title and shall be punished by a fine under this
13 title or imprisonment, or both.

14 Such fine shall be paid to the United States or to the
15 complainant or other party injured by the act constituting the
16 contempt, or may, where more than one is so damaged, be divided
17 or apportioned among them as the court may direct, but in no
18 case shall the fine to be paid to the United States exceed, in
19 case the accused is a natural person, the sum of \$1,000, nor
20 shall such imprisonment exceed the term of six months.

21 This section shall not be construed to relate to contempts
22 committed in the presence of the court, or so near thereto as to
23 obstruct the administration of justice, nor to contempts
24 committed in disobedience of any lawful writ, process, order,
25 rule, decree, or command entered in any suit or action brought
26 or prosecuted in the name of, or on behalf of, the United
27 States, but the same, and all other cases of contempt not
28 specifically embraced in this section may be punished in
conformity to the prevailing usages at law.

46. CCP 1209. (a) The following acts or omissions in respect
to a court of justice, or proceedings therein, are contempts of
the authority of the court:

3. Misbehavior in office, or other willful neglect or
violation of duty by an attorney, counsel, clerk, sheriff,
coroner, or other person [e.g. a judge or magistrate], appointed
or elected to perform a judicial or ministerial service;

4. Abuse of the process or proceedings of the court,
or falsely pretending to act under authority of an order or
process of the court;

5. Disobedience of any lawful judgment, order, or
process of the court;

8. Any other unlawful interference with the process or
proceedings of a court;

11. Disobedience by an inferior tribunal, magistrate,
or officer, of the lawful judgment, order, or process of a
superior court, or proceeding in an action or special proceeding

1 contrary to law, after such action or special proceeding is
2 removed from the jurisdiction of such inferior tribunal,
3 magistrate, or officer.

4 47. CCP 1211. (a) When a contempt is committed in the
5 immediate view and presence of the court, or of the judge at
6 chambers, it may be punished summarily; for which an order must
7 be made, reciting the facts as occurring in such immediate view
8 and presence, adjudging that the person proceeded against is
9 thereby guilty of a contempt, and that he be punished as therein
10 prescribed.

11 When the contempt is not committed in the immediate view and
12 presence of the court, or of the judge at chambers, an affidavit
13 shall be presented to the court or judge of the facts
14 constituting the contempt, or a statement of the facts by the
15 referees or arbitrators, or other judicial officers.

16 48. The following persons are magistrates: ...The judges of the
17 superior courts.... [California Penal Code, Sec. 808.]

18 49. ...our justices, sheriffs, mayors, and other ministers,
19 which under us have the laws of our land to guide, shall allow
20 the said charters pleaded before them in judgement in all their
21 points, that is to wit, the Great Charter as the common law....
22 [Confirmatio Cartarum, November 5, 1297, *Sources of Our*
23 *Liberties* Edited by Richard L. Perry, American Bar Foundation].

24 50. Henceforth the writ which is called Praeceptum shall not be
25 served on any one for any holding so as to cause a free man to
26 lose his court. [Magna Carta, Article 34].

27 51. 28 USC 2201, Creation of Remedy. (a) In a case of actual
28 controversy within its jurisdiction, ... any court of the United
29 States, upon the filing of an appropriate pleading, may declare
30 the rights and other legal relations of any interested party
31 seeking such declaration, whether or not further relief is or
32 could be sought. Any such declaration shall have the force and
33 effect of a final judgment or decree and shall be reviewable as
34 such.

35 52. 28 USC 2202 - Further Relief. Further necessary or proper
36 relief based on a declaratory judgment or decree may be granted,
37 after reasonable notice and hearing, against any adverse party
38 whose rights have been determined by such judgment.

39 53. "The only inherent difference ordinarily recognized between
40 superior and inferior courts is that there is a presumption in
41 favor of the validity of the judgments of the former, none in
42 favor of those of the latter, and that a superior court may be
43 shown not to have had power to render a particular judgment by

reference to its record." Ex parte Kearny, 55 Cal. 212; 7 Cal.Jur 579 .

54. "But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be." Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barratt, 5 Cal. 195; 7 Cal. Jur. 579.

55. "And if at a later time its acts are shown to have been in excess of the power conferred upon it or without the limits of this special jurisdiction, such acts are nugatory and have no binding effect, even upon those who have invoked its authority or submitted to its decision." Estate of Sutro, 143 Cal. 487, 77 Pac. 402; Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Long v. Superior Court, 102 Cal. 449, 36 Pac. 807; Neary v. Godfrey, 102 Cal. 338, 36 Pac. 655; Smith v. Westerfield, 88 Cal. 374, 26 Pac. 206; Umbarger v. Chaboya, 49 Cal. 525; 7 Cal.Jur. 579.

56. Void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994).

57. While voidable orders are readily appealable and must be attacked directly, void order may be circumvented by collateral attack or remedied by mandamus, Sanchez v. Hester, 911 S.W.2d 173, (Tex.App. - Corpus Christi 1995).

58. 42 USC § 12203. Prohibition against retaliation and coercion

(a) Retaliation No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

(b) Interference, coercion, or intimidation It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.

(c) Remedies and procedures The remedies and procedures available under sections 12117, 12133, and 12188 of this title shall be available to aggrieved persons for violations of

1 subsections (a) and (b) of this section, with respect to
2 subchapter I, subchapter II and subchapter III of this chapter,
3 respectively.

4 59. CCP 1209. (a) The following acts or omissions in respect
5 to a court of justice, or proceedings therein, are contempts of
6 the authority of the court:

7 3. Misbehavior in office, or other willful neglect or
8 violation of duty by an attorney, counsel, clerk, sheriff,
9 coroner, or other person [e.g. a judge or magistrate], appointed
10 or elected to perform a judicial or ministerial service;

11 4. Abuse of the process or proceedings of the court,
12 or falsely pretending to act under authority of an order or
13 process of the court;

14 5. Disobedience of any lawful judgment, order, or
15 process of the court;

16 8. Any other unlawful interference with the process or
17 proceedings of a court;

18 11. Disobedience by an inferior tribunal, magistrate,
19 or officer, of the lawful judgment, order, or process of a
20 superior court, or proceeding in an action or special proceeding
21 contrary to law, after such action or special proceeding is
22 removed from the jurisdiction of such inferior tribunal,
23 magistrate, or officer.

24 60. CCP 1211. (a) When a contempt is committed in the
25 immediate view and presence of the court, or of the judge at
26 chambers, it may be punished summarily; for which an order must
27 be made, reciting the facts as occurring in such immediate view
28 and presence, adjudging that the person proceeded against is
thereby guilty of a contempt, and that he be punished as therein
prescribed.

When the contempt is not committed in the immediate view and
presence of the court, or of the judge at chambers, an affidavit
shall be presented to the court or judge of the facts
constituting the contempt, or a statement of the facts by the
referees or arbitrators, or other judicial officers.

61. "Since when have we Americans been expected to bow
submissively to authority and speak with awe and reverence to
those who represent us? The constitutional theory is that we the
people are the sovereigns, the state and federal officials only
our agents. We who have the final word can speak softly or
angrily. We can seek to challenge and annoy, as we need not stay
docile and quiet." Colten v. Kentucky, 407 U.S. 104, 122; 92
S.Ct. 1953, 32 L.Ed.2d 584 (1972) Mr. Justice Douglas
dissenting.

62. Whereas, the people of California have presented a

1 constitution....and which, on due examination, is found to be
2 republican in its form of government.... [Act [of Congress] for
3 the Admission of California Into the Union, Volume 9, Statutes
4 at Large, Page 452.]

5 63. If any claim, statement, fact, or portion in this action is
6 held inapplicable or not valid, such decision does not affect
7 the validity of any other portion of this action.

8 64. The singular includes the plural and the plural the
9 singular.

10 65. The present tense includes the past and future tenses; and
11 the future the present, and the past the present.

12 66. The masculine gender includes the feminine and neuter.

13 67. 42 USC § 1320d-2 and 45 CFR Part 162.

14 68. 42 U.S.C. § 12203. Prohibition against retaliation and
15 coercion

16 (a) Retaliation. No person shall discriminate against any
17 individual because such individual has opposed any act or
18 practice made unlawful by this chapter or because such
19 individual made a charge, testified, assisted, or
20 participated in any manner in an investigation, proceeding,
or hearing under this chapter.

(b) Interference, coercion, or intimidation. It shall be
unlawful to coerce, intimidate, threaten, or interfere with
any individual in the exercise or enjoyment of, or on
account of his or her having exercised or enjoyed, or on
account of his or her having aided or encouraged any other
individual in the exercise or enjoyment of, any right
granted or protected by this chapter.

(c) Remedies and procedures. The remedies and procedures
available under sections 12117, 12133, and 12188 of this
title shall be available to aggrieved persons for
violations of subsections (a) and (b) of this section, with
respect to subchapter I, subchapter II and subchapter III
of this chapter, respectively.

21 69. "As applied to the affairs of a state or nation peace may
22 be either external or internal. In the former case, the term
23 denotes the prevalence of amicable relations and mutual good
24 will between the particular society and all foreign powers. In
25 the latter case, it means the tranquility, security, and freedom
26 from commotion or disturbance which is the sign of good order
and harmony and obedience to the laws among all the members of
the society. In a somewhat technical sense, peace denotes the
quiet, security, good order, and decorum which is guaranteed by
the constitution of civil society and by the laws. The concord
or final agreement in a fine of lands. 18 Edw. I. "Modus Levandi

1 Finis." Articles of the peace. See Articles. Bill of peace. See
2 Bill. Breach of peace. See Breach. Conservator of the peace. See
3 Conservator. Justice of the peace. The protection, security,
4 and immunity from violence which the state undertakes to secure
5 and extend to all persons within its jurisdiction and entitled
6 to the benefit of its laws. And see State v. Dunkley, 25 N. C.
7 121. Peace officers. This term is variously defined by statute
8 in the different states; The peace or tranquility of the
9 community in general; the good order and repose of the people
10 composing a state or municipality." THELAW.COM LAW DICTIONARY &
11 BLACK'S LAW DICTIONARY 2ND ED.
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1 Finis." Articles of the peace. See Articles. Bill of peace. See
2 Bill. Breach of peace. See Breach. Conservator of the peace. See
3 Conservator. Justice of the peace. The protection, security,
4 and immunity from violence which the state undertakes to secure
5 and extend to all persons within its jurisdiction and entitled
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7 121. Peace officers. This term is variously defined by statute
8 in the different states; The peace or tranquility of the
9 community in general; the good order and repose of the people
10 composing a state or municipality." THELAW.COM LAW DICTIONARY &
11 BLACK'S LAW DICTIONARY 2ND ED. and;

PROOF OF SERVICE BY CERTIFIED MAIL

I am not a party to this action, and on the Los Angeles County California State. I am over the age of 18 and not a party to the within action. My address is C/o 15206 Magnolia Boulevard, Sherman Oaks California 91403.

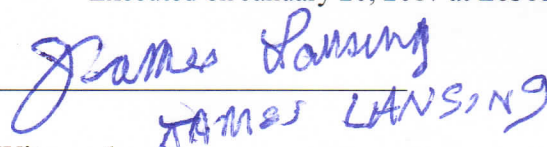
On January 20, 2017, I served the within document(s) as: **“FIRST AMENDED ACTION for Trespass, Case VERIFIED”** on each interested party in this action as stated below:

CT CORPORATION SYSTEM 818 WEST SEVENTH STREET Suite 930 LOS ANGELES CA 90017	Michael Craig Post Office Box 619098 Dallas TX, 75261-9741
Bounlet Louvan Agent Service Process 411 Ivy Street San Diego, California 92101	Jay Bray 6108 LD Lockett Road Colleyville, Texas 76034-6543
Office of Clerk United States District Court Central District California U.S. Courthouse room G 8 Los Angeles California 90012	Jamie Dimon 1185 Park Avenue Apt. 16 L New York, New York 10128 Annia Quintana 2457 Eastridge Loop, Chula Vista, California 91915
Robert Stiles, 5210 Edmondson Avenue Dallas, Texas 75209-5902	McCarthy & Holthus, LLP Melissa Robins Coutts, Mathew B. Learned, 1770 Fourth Avenue San Diego California 92101

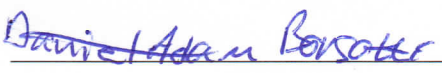
By mail: by placing a true copy of the foregoing documents in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid on Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am doing this business on normal daily practice.

Executed on January 20, 2017 at Los Angeles California.



Witness 1. JAMES LANSING



Witness 2.