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3 108 E Jewel Street/
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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 Steven ("Laser") Haas
12 "***Pro se***"
13 108 E Jewel Street
14 Delmar, DE 19940
15 Laser.Haas @ Yahoo.com

16
17 **Plaintiff,**

18 v.

19 Willard Mitt Romney
20 311 Dunemere Drive
21 La Jolla, California

22 Paul Traub
23 C/O Rosner 824 Market St.
24 Wilmington, DE 19801

25 Bain Capital
26 335 Bryant St
27 Palo Alto, CA, 94301

28 John & Jane "Doe's" 1 thru 10

) Case No.: 2:13-cv-7738 SVW (AVG)

2ND AMENDED COMPLAINT

RACKETEERING CIVIL

JURY TRIAL DEMANDED

1 Morris Nichols Arsht & Tunnel)
2 11th Floor)
3 1201 N. Market Street)
4 Wilmington, DE 19801)
5 Greg Werkheiser)
6 C/O MNAT 11th Floor)
7 1201 N. Market Street)
8 Wilmington, DE 19801)
9 Barry Gold)
10 C/O Frederick Rosner)
11 824 Market. Suite 810)
12 Wilmington, DE 19801)
13 Michael Glazer)
14 CEO Stage Stores)
15 10201 Main Street)
16 Houston, Texas 77025)
17 Colm F Connolly)
18 Nemours Building)
19 1007 N. Orange St)
20 Wilmington, DE 19801)
21 Goldman Sachs)
22 2121 Avenue of the Stars)
23 Los Angeles, CA 90067)
24 Johann Hamerski)
25 P.O. Box 110371 Huffman Park)
26 Anchorage, Alaska 99511)
27 **Defendant(s)**)
28 _____

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I JURISDICTION - VENUE

Jurisdiction of this District is sound and proper under 18 U.S.C. §§ 1961, 1962 & 1964 and 28 U.S.C. §§ 1331, 1332, 1343, 1346, 1361 & 1367.

Process to compel all defendants to appear here under 18 U.S.C. § 1965 is correct as "*venue generally*" - as is permitted under 28 U.S.C. § 1391.

Defendant Mitt Romney lives in Southern California. Goldman Sachs and Bain Capital utilize offices in the State of California.

Barry Gold works for eToys in Irvine, California.

Many victims, including our nations Presidential Election process, suffered due to Defendants statutory violations and exploitations substantial.

Litigant Demands a Trial by Jury to remedy how his business, along with many other victims were deliberately harmed by schemes and many felony violates = organized crimes.

This instant Complaint seeks to resolve unmitigated damages treble, estimated to be \$100 million; above the fees and costs through a formal federal proceeding.

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II COMPLAINT

Plaintiff Steven Haas (more commonly known as "Laser" Haas) for its Complaint against defendant's does hereby allege Willard Mitt Romney ("Romney"), Paul Traub, Michael Glazer, Barry Gold, Morris Nichols Arsht & Tunnell ("MNAT") and MNAT's current partner Greg Werkheiser, along with former MNAT partner Colm Connolly (*who also was the Delaware United States Attorney from August 2, 2001 until the time of his resignation in 2008*), and also Johann Hamerski (*a self-professed partner of Jack Abramoff*), along with Goldman Sachs and Bain Capital, are engaged in criminality as organized Racketeers - violating the law as follows;

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III INTRODUCTION

Litigant is sole, 100% owner of a the California Corporation known as Collateral Logistics, Inc., ("CLI"); which was authorized by the bankruptcy court in Delaware, to be the fiduciary as "Liquidation Consultant" to "maximize returns at minimum expense" of the eToys bankruptcy (DE Bankr. 01-706 (2001)).

1 Plaintiff's business and career continues to be
2 harmed by Defendants, who are *culpable* persons assaulting
3 *interstate commerce* (and federal election processes too) by
4 - continuous - *patterns* of *racketeering*.
5

6 Many troubling matters germane to this "Complaint"
7 include racketeering via material adversity, federal
8 venality, mayhem and issues related to homicides.
9

10 This instant case is necessary as defendants named
11 herein are continuously violating **United States Codes Title 18**
12 **§§ 1961 thru 1968**; - disobedient of the Racketeer Influence &
13 Corrupt Organizations ("RICO") Act of 1970.
14

15 Whereas there exists a plethora of "*Prosecutorial Gaps*"
16 due to corruption and willful blindness. Complainant is
17 therefore permitted by Law, to be a "**Private Attorney General**"
18 and does so "**pro se**". (Affirmation of civil rights, U.S.
19 Supreme Court *Sedima v Imrex Co.*, 473 U.S. 479 (1985)).
20

21 Plaintiff submits this 2nd Amended RICO Complaint,
22 having gained more knowledge about requisites, through
23 **pro se** instructions. Litigant also just learned of NEW
24 Local Rules that went into effect - December 2013.
25
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1 Hoping the court realizes the scope and breadth of
2 the issues at hand; and that the troubling matters go
3 far beyond this case, litigant prays for this court's
4 indulgence. Please be aware plaintiff isn't an attorney
5 at law and didn't graduate from High School standardly.
6

7
8 Great legal minds are needed to address nationally
9 significant and important issues presented hereof and
10 complainant believes adequate, good counsel can be
11 obtained before the full jury trial begins. As issues
12 of the Code & Rule of Law not being applied heretofore
13 upon the named defendants hereof is now being remedied.
14
15

16 In the meantime, plaintiff seeks to provide clearer
17 pictures of the facts that adjudication upon the merits, has
18 inexorably taken a back seat to the RICO's power, money
19 & might makes right *modus operandi*.
20
21

22 **IV NAMING THE DEFENDANTS**

23 Plaintiff names as "Defendant" Willard Mitt Romney
24 ("Romney"), Paul Traub ("Traub"), Barry Gold, Michael
25 Glazer ("Glazer"), Morris Nichols Arsht & Tunnell
26 ("MNAT") and MNAT's current partner Greg Werkheiser
27
28

1 ("Werkheiser"), along with former MNAT partner Colm
2 Connolly ("Connolly") - {who also was the Delaware
3 United States Attorney from August 2, 2001 until the
4 time of his resignation in 2008}. Additionally there's,
5 also Johann Hamerski (a self-professed partner of Jack
6 Abramoff), along with Goldman Sachs and Bain Capital;
7 who are all named as "Defendant"(s) in this RICO case.
8

9 **V ORGANIZED CRIME EVENTS COMMON TO ALL COUNTS**

10 **The Learning Company**

11
12 In 1999, the entity known as 'The Learning Company'
13 ("TLCo") was owned by Defendant Romney and associated
14 parties.
15

16 MNAT handled the merger of TLCo with Mattel.
17

18 According to what has been publicized, the TLCo
19 merger cost Mattel investors a \$3 Billion loss.
20

21 There's no known federal investigation and/or any
22 prosecution of whom scammed who in the merger.
23

24 **Stage Stores of Houston, Texas**

25
26 Romney reportedly owned 800,000 (+) shares of the
27 Stage Stores entity that had been formulated by merger
28 of Palais Royal and Bealls Brothers Department Stores.

1 Romney is said to have obtained the funding for the
2 formulation of the Stage Stores entity from junk bond
3 fraudster Michael Milken.
4

5 On September 2012 the Rolling Stone Magazine cover
6 story of "Greed and Debt" (from journalist Matt Taibbi)
7 reported on "The True Story of Mitt Romney and Bain Capital". It did
8 detail the fact that the judge presiding over Milken's
9 fraud case furtively benefited; because the justice's
10 wife was Chairman of the Palais Royale stores.
11
12

13 Jack Bush of Dallas, Texas, a Bain Capital exec who
14 roams around companies, also ran IdeaForest for Bain;
15 and was a co-director for Romney at Stage Stores.
16
17

18 Michael Glazer, the Chief Executive Officer ("CEO")
19 of Kay Bee Toys in 2000 became a co-director for Stage
20 Stores; and more recently was promoted to be CEO.
21

22 Barry Gold is another executive roaming around the
23 nation working with Jack Bush, mostly from one company
24 to another that is in - or going into - bankruptcy.
25

26 Paul Traub was the owner of the Traub Bonacquist
27 and Fox ("TBF") law firm that was hired for the Stage
28

1 Stores case by the signature of Barry Gold. Traub's TBF
2 failed, miserably, to disclose conflicts of interests
3 in Stage Stores about Mr. Bush, Gold and Sussman.
4

5 Failures of attorneys at law to disclose conflicts
6 of interests in bankruptcy, is usually felonious.
7

8 Bankruptcy Fraud statutes are a part of RICO felony
9 violations per the Code of 18 U.S.C. & 1961 ("Predicate Acts").
10

11 Traub's State Stores "Supplemental" Bankruptcy Rule
12 **2014/2016 Affidavit** made a mockery of justice; serving as a
13 practice run for the frauds perpetrated later in eToys.
14

15 Whistle-blower Dov Avni Kaminetzky owned \$4500.00
16 worth of Stage Stores stock and he was punished for his
17 bringing various bad faith acts to the court's eye.
18

19 Dov Avni was underhandedly ordered to pay \$380,000
20 as a fine, with the U.S. Marshals sent after him.
21

22 To date there's no known federal investigation and/
23 or prosecution for the Stage Stores Bankruptcy Frauds.
24

25 **Kay Bee Toys**

26 In mid-2000, with Romney and his cohorts now inside
27 Mattel's inner circle as the result of the TLCo merger
28

1 (ownership of 12 million Mattel shares); Romney's Bain
2 Capital then set out to acquire Kay Bee Toys (having a
3 long term goal mindset upon Toys R Us).
4

5 Michael Glazer was the CEO of Kay Bee Toys ("Kay
6 Bee") who - before 2004 - did pay himself \$18 million
7 and Bain Capital \$83 million. Then Glazer filed the
8 bankruptcy of Kay Bee (DE Bankr. 04-10120 {2004}).
9

10 MNAT represents Bain Capital of their \$83 million
11 preferential treatment (**probable fraudulent conveyance**).
12

13 Traub and Barry Gold are also involved Kay Bee.
14

15 TBF asked to be the prosecutor of Bain Capital and
16 Michael Glazer. Paul Traub failed to inform the court
17 on his many affiliations to the relevant parties.
18

19 Plaintiff pointed out the obvious crimes of Traub
20 seeking to be the prosecutor of his associates; but the
21 Delaware Department of Justice had the evidence of this
22 Stricken & Expunged from the record. (*See the Kay Bee*
23 *archived court* docket item ("D.I.") 2228).
24
25

26 There's no known federal investigation and/or any
27 prosecution concerning the many conflict of interests
28 shenanigans in the Kay Bee case.

1 These are RICO crimes to fleece Kay Bee of the \$100
2 million; and then get off 'Scot Free' via bankruptcy.

3
4 **eToys.com – The Massive Spree Efforts in Organized Crime**

5 Also back in 1999, the entity known as eToys.com
6 was taken through the initial public offering ("IPO")
7 by the fiduciary Goldman Sachs (represented by MNAT).

8
9 In a New York Times OpEd article of March 2013
10
11 "Rigging the I.P.O. Game", journalist Joe Nocera details how
12 Goldman Sachs assaulted eToys by stock fraud. Where the
13 price per share of eToys skyrocketed to \$85; but the
14 eToys.com entity received less than \$20 per share.

15
16 Resultant of the loss of (*at least*) of hundreds of
17 millions of dollars due to Goldman Sachs betrayal of
18 trust and Breach of Fiduciary Duty, did help push eToys
19 into bankruptcy (with the case being filed by MNAT on
20
21 March 7, 2001 (DE Bankr. 01-706)).

22
23 It was a typo, one day, by litigant that ferreted
24 out MNAT's Goldman Sachs links. MNAT, working for
25 Goldman Sachs, placed Finova into bankruptcy (DE Bankr.
26
27 01-705).

1 Failing to disclose many conflicts of interest,
2 MNAT lied about its relationships with Mattel, Bain
3 Capital, GECC and Goldman Sachs; doing so in order to
4 become the Delaware Bankruptcy Court ("DE BK Ct") firm
5 approved to be the eToys "Debtor's" counsel.
6

7
8 In 2004/2005, due to the typo, *Smoking Gun* evidences
9 were flushed out. MNAT was compelled to confess failure
10 to disclose GECC & Goldman Sachs conflict of interests;
11 but **MNAT continues to lie about Bain Capital issues**, to this very day.
12

13
14 Additionally, Traub's TBF firm lied about its links
15 to Merrill Lynch, Playco, Ozer Group, Tom Petters, ADA,
16 Goldman Sachs, Bain Capital, Romney, Glazer, Wells
17 Fargo, Barry Gold and so much more. Doing so in order
18 to become the DE BK Ct approved counsel for an Official
19 Committee of Unsecured Creditors.
20
21

22 There were no secured Creditors; because Traub and
23 Barry Gold arranged for Foothill Capital, a division of
24 Wells Fargo, to become the only secured lender of eToys
25 with a \$40 million loan in November 2000. Wells Fargo
26 then transacted \$100 million prior to eToys bankruptcy.
27
28

1 This preferential treatment is also known as a John
2 Gellene fraudulent conveyance; risking prison time.

3 In the case of *In re Bucyrus* 94-20786, John Gellene
4 hid the \$35 million loan of Salovaaro (coincidentally a Goldman
5 Sachs former). Gellene hid serious conflicts of interests
6 by lying via Bankruptcy Rule 2014/ 2016 Affidavits to the court
7 presiding over the *Bucyrus* case.
8
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11 Gellene's crimes resulted in prison time, his firm
12 lost both \$1.9 million in fees and \$50 million lawsuit.
13

14 What the RICO Defendants have done here makes the
15 Gellene & Chris Christie sagas look like child's play.
16

17 Plaintiff's CLI entity was approved by the DE BK Ct
18 to be Liquidation Consultant to handle the bankruptcy
19 Chapter 11 "wind-down" of the eToys company.
20

21 Maximizing returns at minimum expense included the
22 negotiations of mergers of eToys.com assets.
23

24 **Sale of eToys to Bain/Kay Bee Fails Is Not "bona fide"**

25 It was announced to the press and published by the
26 Wall Street Journal that Bain Capital ("Bain") actually
27 purchased nearly all eToys assets for \$5.4 million.
28

1 Plaintiff halted the bulk sale and compelled Bain
2 to pay tens of millions of dollars for Bain's purchase
3 of eToys brand new \$25 million in inventory, a plethora
4 of domain names and the remaining furniture, fixtures &
5 of domain names and the remaining furniture, fixtures &
6 equipment ("FF&E").

7
8 Meanwhile, MNAT and Traub asked the United States
9 Trustee ("UST") for permission to handpick their choice
10 of an executive to run eToys; which they sought to halt
11 the good faith sales efforts of plaintiff/CLI.
12

13 When the RICO Defendants were told no by the UST
14 they simply ignored the authoritative federal watchdog
15 agency's (bankruptcy police) forewarning (see eToys D.I.
16 2195, of February 15, 2005 that is also known as the
17 "*Disgorge Motion*" against TBF for \$1.6 million).
18

19
20 Within the **Disgorge Motion**, in parts 18, 19 & 35, the
21 UST's office testifies to conversation between the fed
22 police and Paul Traub's firm about TBF's desire to pick
23 eToys executives. Traub's TBF firm went ahead and
24 nominated Barry [Glazer/Bain/Romney's associate] to be
25 the post-bankruptcy petition eToys President/CEO.
26
27
28

1 Resultantly, Bain sold eToys to Bain/Kay Bee!

2 Now everybody inside the bankruptcy, including
3 Ellen Gordon of Xroads (the finance consultant of eToys
4 in charge of the cash accounts) were furtively working
5 together for the sake of the much more lucrative bosses
6 of Goldman Sachs, Wells Fargo, Bain & Romney.
7

8 Xroads also had failed to disclose its connections
9 to Goldman Sachs and Wells Fargo.
10

11 Insider dealing configurations are forbidden by
12 many Bankruptcy Codes & Rules of Law.
13

14 Congress designed the Law to assure a diametrically
15 opposed Debtor v Creditor; but the RICO ignored this.
16

17 Unfortunately, the schemes & artifices to defraud
18 were working so well (toys industry creditors becoming duplicitous) -
19 that the racketeers believed they could pick the bones
20 clean; and did so flagrantly. A mountain of evidence
21 exists that is undeniable; as federal docket records.
22

23 Traub and Barry Gold also were working the Southern
24 District of New York ("SDNY") bankruptcy case belonging
25 to Goldman Sachs ("GSachs") of *In re Cosmetics Plus*
26 (SDNY Bankr 01-14471); and also failed to disclose it.
27
28

1 Litigant/CLI came to eToys around March 15, 2001;
2 then Paul Traub and Barry Gold subsequently formed a
3 company named Assets Disposition Advisors ("ADA").
4

5 Barry Gold's "Hiring Letter" was kept hidden until
6 January 25, 2005. At that time the clandestine Hiring Letter
7 of Barry Gold was brought forth defensively, revealing
8 many efforts in deceit.
9

10
11 Akin to Traub's Stage Stores Supplemental Affidavit and
12 the babbling, banter obfuscations within about "upon
13 information and belief", Traub and MNAT did arrange for Barry
14 Gold to become a CEO/ President of eToys as of May 21,
15 2001 (while MNAT/Traub/TBF deny that they had anything
16 to do with the drafting of Barry Gold's Hiring Letter).
17
18

19 Having ADA now in the background, the Racketeers
20 stipulate in the Hiring Letter that Barry Gold is "wind-down
21 coordinator" of eToys as of May 21, 2001.
22
23

24 While Barry Gold and Ellen Gordon of Xroads were
25 fabricating ways to oust plaintiff/CLI from the eToys
26 estate, the federal police (UST) became a ghost. No
27 arrests were made even as Defendants confessions arose!
28

VI RACKETEERING ASSAULTS PLAINTIFF'S BUSINESS

1
2 Obviously, the Defendants had a problem. Even with
3 nearly their whole gang surrounding litigant and his
4 CLI workers, their schemes & artifices to destroy the
5 eToys public company and devour the federal estate was
6 not succeeding as well as planned.
7

8
9 Defendants MNAT, Werkheiser, Barry Gold and Traub's
10 TBF firm cajoled the Creditors Chairman and plaintiff
11 that CLI could save eToys estate monies and time, if
12 MNAT supplied plaintiff/CLI's paperwork to the DE BK
13 Ct. Agreeing to this box in doomed plaintiff/CLI.
14
15

16 Hence the DE BK Ct approved both contracts for CLI,
17 orders that CLI's paperwork would be submitted "with the
18 assistance of Debtor's counsel" [RICO Defendant MNAT].
19

20 Litigant turned down and reported the RICO bribe
21 offers to Department of Justice ("DOJ") in Delaware.
22

23 Thus, all the Defendants had to do to rob plaintiff
24 /CLI entity from being properly compensated; was for
25 MNAT to simply refuse to file a claim. But that plan to
26 harm plaintiff's business also needed greater efforts.
27
28

1 Destruction of Evidences in eToys

2 MNAT furthered the RICO plots by putting forth a
3 Motion before the DE BK Ct seeking permission to **Destroy**
4 **the eToys Books & Records**. (Documented in the Public Access to
5 Court Electronic Records ("PACER") eToys D.I. 300).
6
7

8 One would be extremely hard pressed to find any
9 other case where a court permits a new bankruptcy filer
10 to abolish evidences in the very beginning.
11

12 There were multiple motivations for this plot to
13 destroy evidences in the eToys case.
14

15 To succeed in Goldman Sachs scheme IPO fleece of
16 eToys, cover ups were needed. The destruction of all
17 evidences and emails germane, assisted Goldman Sachs to
18 prosper in its "pump-n-dump" IPO stock fraud (also known
19 as a "*Spinning*" scheme).
20
21

22 There were cash accounts and inventories that were
23 not declared on eToys bankruptcy schedules. Including
24 millions of dollars in cash deposits that eToys VP's
25 David Haddad and Dave Gatto had concealed concerning
26 various eToys.com off shore deposits.
27
28

1 Failures to report assets during a bankruptcy case
2 is almost always a foundation for prosecution.

3 Just prior to the bankruptcy of eToys, Pioneer
4 Distributing and Liquidation World had engaged in large
5 surreptitious transactions involving huge amounts of
6 eToys inventory. Those histories were obliterated.

9 Racketeers Nominate Each Other to Be the Prosecutor of Each Other

10 Barry Gold/MNAT, nominated TBF to prosecute Goldman
11 Sachs. Hence Goldman Sachs is suing itself in the N.Y.
12 Supreme Court ("NY Sup Ct") eToys.com case #601805/2002
13 (renamed **ebc1** when Bain/Kay Bee stole the domain names).
14

15 Obviously, in a licit world, Capone wouldn't be
16 permitted to handpick a prosecutor of his own case.
17

18 Efforts by the Defendants to Obstruct Justice in
19 these case is manifold. The RICO Defendants realized
20 that this plaintiff was finding *Smoking Gun* evidences in
21 the NY Sup Ct case. Such as the proof of MNAT's Motion
22 to Destroy Books & Records. So the Defendants simply
23 placed the entire NY Sup Ct case under SEAL (*as is*
24 *detailed in the NY Times "Rigging the IPO Game" article*).
25
26
27
28

1 MNAT has confessed it failed to disclose a conflict
2 of interest about Goldman Sachs.

3 Once MNAT admitted this transgression, the Code and
4 Rule of Law mandates that MNAT is to be disqualified;
5 but the DE BK Ct iterated in its *Opinion* on the matter
6 (on October 4, 2005) that it was too late to remove
7 MNAT at that time, as the eToys case was nearly over.
8
9

10 This is an abuse of discretion (see ubiquitous
11 adopted case precedent *In re Middleton Arms* {6th Cir 1994}).
12

13 Obviously we are here in 2013 and, fallaciously,
14 the eToys bankruptcy case still open.
15

16 When litigant offered to provide "free" auditor to
17 Europe; the Defendants refused! Instead, the Delaware
18 DOJ, along with MNAT, Barry Gold and a Michael Fox
19 partner of TBF, did tell complainant that what was
20 going on Off Shore, was none of his business.
21
22

23 But the DE BK Ct itself is not alone in failing the
24 public's trust. The refusal to remove MNAT is due, in
25 part, to the fact that the Delaware DOJ always refuses
26 to address MNAT issues.
27
28

1 Inside the UST's brief in the Third Circuit appeal
2 concerning the DE BK Ct's refusal to disqualify MNAT,
3 Traub/TBF and Barry Gold, the UST declares (in the 1st
4 footnote of their brief in 3rd Circuit case 07-2360);
5 that the UST had not and will not address MNAT issues.
6

7
8 It is as if, on bended knee before a RICO lord axe,
9 the federal agents/agencies promise hands off on MNAT!

10 Possibly and probably, eToys.com was placed into a
11 bankruptcy intentionally, with the books being cooked
12 to make eToys appear to be insolvent.
13

14
15 Traub's TBF confessed to the DE BK CT about lying
16 under oath 17 times, while admitted to consciously
17 making a decision to let the falsehoods stay in place
18 and deceive the court (UST *Disgorge Motion* item 18).
19

20 This is a confession of perpetration of Fraud on
21 the Court by Officers of the Court. And yet, the DE BK
22 Ct, federal agents/agencies, did absolutely nothing.
23

24
25 Bain Capital also desired to buy eToys as cheap as
26 possible. Though there's nothing wrong with this logic
27 as a business strategy; it became a Racketeering crime
28 the moment Romney/Glazer and the eToys attorneys failed

1 to inform the DE BK Ct and parties of interest of their
2 direct connections to each other. Defendants had rigged
3 the eToys federal case failures, for unjust enrichment!
4

5 Congress was prudent enough to consider the fact
6 that insiders of the bankruptcy realm would nefariously
7 seize federal estates as their own piggy bank.
8

9 As a remedial measure, the RICO Act includes
10 **Bankruptcy Fraud Sections && 152 through 156** as a part of
11 the RICO Laws under 18 U.S.C. § 1961; which are named
12 "Predicate Acts".
13

14
15 Each and every time the Defendants lied, schemed,
16 acted and/or conspired/colluded to defraud eToys and to
17 harm plaintiff's career, the Defendants were mounting
18 RICO counts of RICO crimes one upon another.
19

20 There are more than thirty (30) laws broken here,
21 with 300 + separate Defendant events.
22

23 Bankruptcy frauds include Section **152 Concealment** of
24 assets, false oaths and claims; and bribery.
25

26 Section **153 Embezzlement** against estate is also a
27 "Predicate Act".
28

1 Then there's also Section **154 Adverse Interest** and
2 conduct of officers.

3
4 This case has exceptional evidence/proof of many
5 violations of the (apparently) never prosecuted before
6 Section **155 Scheme to Fix Fees** in cases under Title 11.
7

8 Also germane is the **Knowing** disregard of bankruptcy
9 law/rule per Bankruptcy **Fraud Section 156**.
10

11 Traub, Barry Gold and MNAT have already confessed
12 lying under oath at least thirty-three (33) times in
13 the eToys case; but remain in control of their looting!
14

15 Proof of their admittances are a permanent part of
16 the record through their "**Responses**" of January 25, 2005,
17 and subsequent "**Depositions**" permitted by the DE BK Ct on
18 February 9, 2005 (held at the court house due to the fact of mayhem,
19 **abductions and death threats**) .
20
21

22 MNAT, Traub's TBF and Barry Gold's admittances,
23 Responses and Depositions were entered into the public
24 docket record, approved to become a part of evidence
25 record, during the March 1, 2005 evidence hearing. (A
26 D.I. 2228 transcript can be seen in the eToys case).
27
28

1 With many of the schemes & artifices to defraud
2 eToys in place the RICO Defendants began to arrange the
3 crushing of plaintiff's business.
4

5 Plots were hatched to make sure persons at eToys
6 warred against litigant/CLI.
7

8 MNAT, Traub/TBF and Barry Gold arranged for the
9 eToys employees to have their pay **doubled** during a
10 bankruptcy.
11

12 Obviously, as plaintiff/CLI staff would let go/fire
13 the "doubled" salaried employees; the inducement did
14 serve to make everyone at eToys adversarial with CLI.
15

16 It is also plain as the nose on your face that ADA
17 was formed to be a competitor of plaintiff's CLI.
18

19 MNAT being approved as the party to submit to the
20 DE BK Ct, plaintiff/CLI's requests for payments almost
21 guaranteed that there would never be compensation. And
22 without funding, litigant's business would demise.
23

24 As a matter of fact, the only paperwork MNAT did
25 submit on behalf of CLI, was a November 2001 item that
26 is no known as the "Haas Affidavit" (eToys D.I. 816).
27
28

1 MNAT failed to provide plaintiff with a copy of the
2 **Haas Affidavit**; which the Defendants erroneously informed
3
4 the DE BK Ct (after confessing of lying under oath),
5 that the **Haas Affidavit** was a "waiver" of plaintiff/CLI
6
7 rights to be compensated (an estimated \$3.7 million).

8 When litigant tried to inform the **DE BK Ct** that the
9
10 **Haas Affidavit** is a forgery, the court rejected plaintiff
11 and has held to the absurd premise that Laser "*Haas*
12 *Affidavit*" is indeed a "waiver" of all rights.

13
14 It is absurd that Laser Haas can purportedly put in
15 a **Haas Affidavit**; but, then, Laser Haas is forbidden to tell
16
17 the DE BK Ct the **Haas Affidavit** is a falsification.

18 To this very day the DE BK Ct orders plaintiff to
19
20 be prevented from presenting proof to the contrary or
21
22 inform the DE BK Ct of any additional frauds; unless
23
24 the DE BK Ct first grants permission.

25 It is as if logic and decency have jumped off the
26
27 entire realm of federal justice in Delaware, when it
28
29 comes to issues of Goldman Sachs, Bain Capital, MNAT,
30
31 Romney and Traub.

1 In an eToys transcript of a March 18, 2009 hearing,
2 some anonymous party provided into the docket record in
3 2012, a detail that DE BK Ct is on the record stating
4 that "Mr. Haas, I'm not going to hear you" and then the same court
5 concludes that "If there's nothing else, I'm going to get back to Tweeter".
6
7

8 Such is the priorities of the eToys DE BK Ct!

9 **DEFENDANTS BENEFIT - THOUGH THEIR ROLES MAY CHANGE**

10
11 TLCo lost Mattel investors a reported \$3 Billion;
12 and there's no known proper investigation. Even the
13 media failed to report this Romney issue in 2012.
14

15 MNAT therefore is linked with Romney and associates
16 to the TLCo deal, along with Mattel Toys.
17

18 In Stage Stores that was started by specious funds
19 and an obvious issue of federal bench underhandedness,
20 Traub's TBF, with Glazer, Romney and Barry Gold did act
21 in bad faith and **retaliated** against victim/witnesses.
22

23 Additionally, there's many issues of public stock
24 manipulation and the FDIC Charter for Stage Stores
25 credit card holders via Granite Bank. Compounded by the
26 fact TBF lied, in Stage Stores, about conflicts.
27
28

1 With the failure concerning Traub's TBF firm by the
2 Stage Stores bankruptcy court to **disgorge**/take away fees
3 and disqualify/remove from the case; thus Traub's TBF
4 getting off 'Scot Free' embolden the Racketeers to do
5 larger schemes of grand larceny in expeditious fashion.
6
7

8 Such as the fact that Liquidity Solutions is listed
9 as the "Co-Debtor" of Stage Stores.
10

11 Once Barry Gold was illegally placed into eToys
12 (after the UST/Police forewarned the parties not to do that specific crime) -
13 then Liquidity Solutions and its cohort Madison
14 Liquidity began to acquire eToys creditors' claims.
15

16 There's nothing against anyone buying up claims
17 items in a bankruptcy case; but connected parties are
18 required by law to disclose their inside links and are
19 forbidden by law to profit a single penny.
20
21

22 Congress provided a remedy for any preferential
23 treatments of one creditor over another, vis-à-vis the
24 ability to push such bad faith transactions to the back
25 of the line and/or expunged them entirely under the
26 Bankruptcy Codes and Rules **510 (c)** "Equitable Subordination".
27
28

1 However, for such measures to be applied, a good
2 faith party must request application of that law.

3 Regrettably, there are no good faith parties left
4 in fiduciary duty positions over Stage Stores, Kay Bee
5 and/ or eToys. There's only Romney's RICO Gang!

6 Traub, MNAT, Glazer and Barry Gold knew that they
7 gained much more lucrative/future case works benefit by
8 making Goldman Sachs, Bain and Romney happy. So the
9 various Defendants sold out their court approved
10 clients for the sake of secret patrons.
11

12 Attorneys at law of the MNAT firm were granted a
13 BAR Card upon a sworn oath to represent all clients to
14 the best ability and to maintain the highest ethical
15 conduct possible.
16

17 MNAT is court approved to represent the interests
18 of eToys as a client; but has failed (miserably) in any
19 effort to protect the eToys estate from fraud.
20

21 Michael Glazer was at Stage Stores as a director,
22 Barry Gold did work underneath Romney and Glazer as the
23 director's assistant who hired Traub's TBF firm. During
24 the same periods of time, Glazer, Traub and Barry Gold
25
26
27
28

1 were at eToys and Kay Bee Toys, pretending to be
2 opponents of each other while robbing those estates.

3 Barry Gold and Paul Traub, with Xroads, MNAT and
4 Frederick Rosner, are all collusively betraying their
5 DE BK Ct approved clients interest profusely.
6

7 Traub's TBF firm became eToys Creditors Counsel;
8 and MNAT was the eToys Debtor. They are required by Law
9 to be diametrically opposed to each other; instead of
10 secretly working with each other - getting unjust gain.
11

12 MNAT and Traub's TBF arranged for Barry Gold to be
13 *illegally* inserted into eToys to usurp plaintiff and his
14 CLI entity. Such guaranteed the RICO schemes success.
15

16 With the parties' ruse prosperous and going
17 forward, then MNAT, Barry Gold and Traub's TBF simply
18 circled their RICO wagons to protect each other & went
19 to war against plaintiff and his efforts in businesses.
20

21 Greg Werkheiser of MNAT continued to lie to the DE
22 BK Ct during the more recent December 4, 2012 hearing
23 in eToys; brought about by plaintiff's Motion therein.
24

25 MNAT erroneously stipulated that there was nothing
26 new for the DE BK Ct to look.
27
28

1 However, what continues to be at issue is the fact
2 that MNAT, Traub and Barry Gold all are equal to Bain!

3 At that December 2012 hearing, Mark Kenney, the UST
4 trial attorney, sat still in abject silence.

5 Even if the DE BK Ct holds to the absurd premise
6 that the court "can't" hear of fraud issues until the
7 court gives a victim permission to speak; there's no
8 such latitude that may be claimed by the UST's office.
9

10 MNAT, Barry Gold and Traub all have "undisclosed"
11 links to Romney/ Bain and Glazer (hence Kay Bee).
12

13 Resultantly, sales of eToys assets to Bain/Kay Bee
14 (that the UST must protect) - fail the *bona fide* test.
15

16 Though plaintiff need not document the fact that
17 any sales prices were reduced and could simply proffer
18 the ironclad evidence that MNAT (*while benefiting from*
19 *Perjury*) did request and receive the DE BK Ct's okay to
20 destroy eToys books & records. The fact of the matter
21 remains is that there is proof of sales price reduction
22 by the Racketeer cohorts. Specifically the issue of the
23 eToys.com domain name sales price reduction.
24
25
26
27
28

1 BabyCenter.com was sold to Johnson & Johnson prior
2 to the eToys bankruptcy for \$10 million.

3 While there are more issues about the BabyCenter
4 transaction that needs discovery at trial (such as Nancy A
5 Valente working for Johnson & Johnson and the Registered Agent who formed
6 Asset Disposition Advisors for Barry Gold & Paul Traub is also named Nancy A
7 Valente). The fact of the matter remains that plaintiff/
8 CLI had sold eToys.com domain names to Bain Capital/Kay
9 Bee for \$10 million also.
10
11
12
13

14 Defendants MNAT/Werkheiser, Barry Gold and Traub
15 kept making up cheeky excuses, one after another, to
16 reduce the prices of eToys.com domain name assets to
17 Bain/Kay Bee to the much smaller amount of \$3 million.
18

19 There's also clear and convincing evidence of how
20 Romney/Bain was able to get back the tens of millions
21 of dollars that plaintiff's business was able to compel
22 Bain/Kay Bee to pay for eToys bankruptcy assets.
23
24

25 MNAT and Traub/TBF arranged for Barry Gold to
26 become the eToys bankruptcy PLAN Administrator in
27 charge of all eToys cash accounts and disbursements.
28

1 In Barry Gold's confirmed "PLAN" Administrator's
2 Declaration (eToys D.I. 1312), Gold stipulates that the
3
4 PLAN was negotiated in "extensive" arm's length and good
5 faith negotiations between Debtor and Creditors.

6 This "extensive" arm's length contention is just as
7
8 ludicrous as the premise plaintiff "waived" CLI's fees.

9 Barry Gold's Declaration was submitted in the fall
10
11 of 2002 - after they had successfully tossed out this
12 plaintiff and his CLI at the end of 2001.

13 They simply believed they couldn't get caught; and
14
15 that their nefarious seizing of the entire eToys estate
16
17 from within and without - was protected everywhere.

18 Furthermore, Romney/Bain devotees' drafted added
19
20 language to the eToys confirmed PLAN. It stipulated the
21
22 PLAN Administrator could settle all the eToys claims
23
24 (*including those claims acquired by Liquidity Solutions/ Madison Liquidity*)
25
26 that were less than \$1 million actual cash; and that
27
28 there was no need to get DE BK CT approval.

All that Administrator (Barry Gold) needed was the
approval of the Creditors (his partner Paul Traub).

1 Each and every time a payment was made to those
2 "*undisclosed*" connected claims, a crime transpired.

3
4 Every time that Barry Gold failed to prosecute MNAT
5 and/or Paul Traub for their confessions to lying under
6 oath, Barry Gold betrayed client's (eToys/shareholder).

7
8 MNAT failed to protect its client (eToys) and seek
9 Traub/TBF and/or Barry Gold and Xroads disqualification
10 that would result in many millions of dollars returned.

11
12 Traub's TBF also failed its client (the Creditors)
13 each and every time it refused to seek to disqualify
14 and/or disgorge MNAT and Barry Gold.

15
16 TBF's clients weren't just the creditors solely
17 from the toy wholesaler industry.

18
19 Each and every time that MNAT, Traub/TBF and Barry
20 Gold lied to the DE BK Ct and premised the ridiculous
21 notion that plaintiff and/or his CLI entity "*waived*" its
22 rights to be compensated and/or lied to make sure there
23 were no equity committee; this constituted Racketeering
24 Act violations by **Intimidation of Victim/ Witness, Perjury,**
25
26 **Obstruction of Justice and incessant Retaliation!**
27
28

1 Compounding all of these considerable crimes even
2 further, is the fact that the eToys shareholders had
3 asked for their own counsel and committee, as allowed
4 by the Bankruptcy Codes & Rules.
5

6 Without disclosing their connections to Bain and/or
7 Goldman Sachs, RICO Defendants MNAT, Werkheiser, Traub
8 (*via his TBF firm and local counsels*) and Barry Gold
9 consistently objected to any proper protections for the
10 eToys equity holders.
11

12 Defendants lied to the DE BK Ct and stipulated that
13 "they" [the Racketeers] were all that was needed to
14 protect the interests of the eToys equity holders.
15

16 As clear proof that was the last thing on the RICO
17 gang's mindset, eToys shareholder Robert Alber did ask
18 both Barry Gold and Paul Traub, on the stand, in 2002,
19 about the connections of Barry Gold and Traub, during
20 the DE BK Ct October/November 2002 hearings to obtain
21 approval to make Barry Gold eToys PLAN Administrator.
22

23 Everyone in the room already knew about the fact
24 that Barry Gold worked for Paul Traub's TBF firm; but
25
26
27
28

1 they all stayed in abject silence as Barry Gold and
2 Paul Traub lied about their connections to each other.

3
4 Then, to make sure Goldman Sachs would never lose
5 the lawsuit of eToys (ebcl) v Goldman Sachs in the NY
6 Sup Ct; MNAT and Barry Gold nominated Paul Traub's TBF
7
8 to be the firm to prosecute Goldman Sachs.

9 Hence, Goldman Sachs sued Goldman Sachs, Bain/Kay
10 Bee sells eToys to Bain/Kay Bee and MNAT defends Bain
11
12 while Traub seeks to prosecute Bain/Glazer.

13 Roles may change; but they're schemes all the same.

14
15 Now that Romney lost the election and is trying so
16 desperately to get back into the politics game (**seeking to**
17 **get his wife, children and/or brother to run for political office**); MNAT, Traub
18
19 and Barry Gold are doing more crimes in the open - in a
20 rush to cover it all up!

21
22 Just recently, MNAT signed Barry Gold's approval of
23 settling eToys lawsuit against Goldman Sachs for only
24 \$7.5 million; but MNAT can't sign anything to do with
25 Goldman Sachs. At the same time, MNAT can't sign Barry
26
27 Gold's approval *of giving some of that money to Traub!*
28

1 Nor can Barry Gold sign any agreement with Traub;
2 as Gold's PLAN Administrator agreement, approved by the
3 DE BK Ct, stipulates that the Administrator can't have
4

5 Transactions with Related Persons.

6 You can't get a more incestuous relationship than
7 those prevailing inside the eToys case (**extensively**).

8
9 Is there any doubt - whatsoever - that IF this
10 plaintiff (or anyone else of good faith) were to be placed in
11 the eToys controlling chair, after Barry Gold removal;
12 that the settlement with Goldman Sachs would be for a
13 much larger monies (Tens to Hundreds of millions)?
14

15
16 Especially given the fact of the vast evidence of
17 Goldman Sachs, is in essence rigging the case of having
18 its own counsel handpick who is suing Goldman Sachs!
19

20
21 Compounded even further by the additional fact that
22 MNAT Confessed lying under oath already and furtively
23 **destroyed eToys Books and Records** while doing Perjury!
24

25 Especially, given the fact that - by the way - the
26 settlements would most likely be paid from the culprits
27 insurance companies (won't risk trials after *confessions*)!
28

1 Each and every appeal case in the District Court
2 and Circuit Court cases of MNAT, Barry Gold and Traub's
3 TBF failing to disclose their deceits, perjury and/or
4 connections with many retaliation acts; are additional
5 crimes of **Conspiracy, Perjury, Obstruction, State Frauds,**
6 **Scheme to Fix Fees, Bribery, Intimidation of Victims/Witnesses, many**
7 **SEC Frauds, and tons of Bankruptcy Frauds!**

8
9
10
11 Furthermore, each and every single time that the
12 parties mailed and/or emailed their lies, deceits,
13 payments, to parties, the court and others; such were
14 acts/counts of Mail and Wire Frauds.
15

16 In the similar manner that the parties defrauded
17 the eToys estate, the Racketeers also defrauded the Kay
18 Bee case (DE Bankr 04-10120).
19

20 Whereas, Michael Glazer as CEO of Kay Bee did pay
21 himself \$18 million and Bain Capital \$83 million before
22 filing bankruptcy of Kay Bee.
23

24 MNAT represents Bain in that issue, Barry Gold is
25 working Kay Bee via ADA; and Traub asked to be the one
26 to prosecute Glazer and Bain.
27
28

1 Doing so while TBF was purportedly being punished
2 for the eToys deceits vis-à-vis the *Disgorge Motion*.

3
4 When this plaintiff put forth a Motion under the
5 law of **18 U.S.C. & 4 MisPrision of a Felony**, into the first Kay Bee
6 bankruptcy case (#04-10120); the DE DOJ came (once
7 again) to the rescue of the Racketeers.

8
9 Mark Kenney successfully motioned to the DE BK Ct
10 to Strike/Expunge the evidences by this plaintiff from
11 the court docket record.

12
13 Attached to this litigant's filing in the Kay Bee
14 case, was the sworn affidavit of the former Chairman of
15 the eToys Creditors Committee testifying to the fact
16 that Paul Traub/TBF deceived their own client about the
17 issues of Barry Gold.

18
19 What is also amazing is the fact that eToys and Kay
20 Bee were in bankruptcy multiple times; and that they
21 still wound back to Bain under the Toys R Us name (each
22 time with Traub's guidance as Creditors counsel).

23
24 Meanwhile, the original 2001 eToys case and 2004
25 Kay Bee case are both still open (protecting schemes)!

1 To this very day the parties continue to make sure
2 that the eToys estate doesn't properly compensate this
3 plaintiff and/or his CLI business.
4

5 Defendants actions destroyed this litigant's works
6 and career, especially in the toys industry.
7

8 Doing so because Romney/Bain had the long term goal
9 in politics; and Bain wanting Toys R Us.
10

11 Had plaintiff not had his business harmed by the
12 Racketeering Defendants, then Bain may have possibly
13 been compelled to pay tens/hundreds of millions more
14 dollars for Kay Bee, FAO Schwartz, eToys, etc.
15

16 This material adverse harm of many victims and this
17 plaintiff's business can be rectified by reinstating
18 litigant back into his chair in eToys and tossing out
19 the bandit usurper Barry Gold.
20

21 Permitting the powers that be to handpick anyone
22 else would be surreptitious at best.
23

24 No one else is up to speed on all the points of
25 contention; and this would also help resolve the fact
26 that plaintiff and the eToys shareholders are akin in
27 harm - but separate in pursuits of remedy.
28

VII FEDERAL CORRUPTION

1
2 Plaintiff has come to learn much about the Code and
3 Rule of Law pertaining to this case. If the Law would
4 simply be paramount and applied, **as it should be**, then this
5 case would end and justice could be accomplished.
6

7
8 Unfortunately, one of the reasons the Law has waned
9 in arresting the consummate bad faith profuse in this
10 case, is due to the fact that there are rogue elements
11 in various federal agencies, who do not take their oath
12 seriously (that of protecting the Constitution of the United States from
13 enemies foreign & **Domestic**).
14

15
16 There are at least half a dozen public servants who
17 have betrayed the public's trust in this case.
18

19 Including, *but not limited to*, Region 3 UST Roberta
20 DeAngelis and her trial attorney Mark Kenney.
21

22 Plus former US Attorney Colm Connolly.

23 The justice over the eToys bankruptcy case would
24 have much explaining to do, outside of the "Deal" aware
25 realm of justice. But judges are immune from their bad
26 faith rulings and **maybe** can blame the UST in this case.
27
28

1 Deputy Director of the Executive Office of United
2 States Trustees ("EOUST") - Lawrence Friedman - and his
3 successor Clifford White III; look extremely bad here.
4

5 Then there's the Los Angeles, California United
6 States Attorneys Tom O'Brien and Debra Yang.
7

8 On December 22, 2004 EOUST Director Friedman did
9 replace Acting Region 3 Trustee Roberta DeAngelis with
10 a new UST who was touted to be an experienced person
11 concerning fraud prosecutions.
12

13 Significant of this timing is the fact that the
14 eToys Emergency Hearing on Fraud was December 22, 2004.
15

16 On January 25, 2005, resultant of the Emergency
17 Hearing remarks of Assistant UST Frank Perch that TBF
18 had apparently failed to disclose serious conflicts of
19 interest concerning Barry Gold; the DE BK Ct compelled
20 the parties to answer the various allegations.
21

22 MNAT's January 25, 2005 "Response" to the plaintiff
23 is eToys D.I. 2173; and it contains admittances.
24

25 Traub's TBF "Response" is eToys D.I. 2171 and also
26 contains confessions (concerning Barry Gold).
27
28

1 Barry Gold's "Response" is provided by counsel. It
2 is eToys D.I. 2169 and contains important confession
3 and evidence pieces of the puzzle.
4

5 Including in Barry Gold's "Response" to defend Gold
6 concerning his lies under oath, was the quaint attached
7 exhibit, specifically Barry Gold's "Hiring Letter" and the
8 confirmed PLAN Administrators "Declaration".
9
10

11 Plaintiff, now armed with confessions/ solid proof
12 that Barry Gold was a crooked eToys executive, still
13 was prevented from being compensated for litigant/CLI's
14 compensation that would have transpired during the
15 February 4, 2005 hearing on plaintiff/CLI issues.
16
17

18 One surely can't accept a check from bad faith
19 executives who admitted to their lies and fraud; may as
20 well have just simply taken the bribe back in 2001!
21

22 MNAT, Barry Gold, Paul Traub and Michael Fox (one
23 of the partners of TBF) were all **deposed** on February 9,
24 2005 at the DE BK Ct building (*because of threats upon*
25 *plaintiff and eToys shareholder by parties, including*
26 *Defendant Johann Hamerski death threat to Mr. Alber*).
27
28

1 These "Depositions" provided additional tidbits of
2 evidences. Such as Michael Fox lying about the fact
3 that Susan Balaschak (TBF's partner in Houston, TX) had
4 never met and/or worked with Barry Gold prior to eToys.
5

6 Additionally, MNAT admitted Goldman Sachs issues.
7

8 Paul Traub denied that his TBF firm did the actual
9 drafting of Barry Gold's Hiring Letter.
10

11 Barry Gold confessed that he worked with Jack Bush
12 on multiple occasions and Wells Fargo.
13

14 Many more issues about the confessions will be
15 detailed during the course of the trial of this case.
16

17 As a result of all this evidence of the fracturing
18 of the Bankruptcy Code & Rules of Law, the Assistant
19 UST Frank Perch put forth the UST's *Disgorge Motion* on
20 February 15, 2005 (eToys D.I. 2195).
21

22 It cannot be iterated enough, until justice does
23 arrive - that the **Disgorge Motion** provides UST testimony,
24 in part 18, detailing the fact Traub's TBF firm knew of
25 exposure of their lies from the *Bonus Stores* case; and that
26 a mindful decision was made to do fraud on court.
27
28

1 Instead of supplicating a supplemental **Rule 2014/ 2016**
2 **Affidavit** - as required by Law - to disclose the failure
3
4 to inform the DE BK CT of Barry Gold/TBF many conflicts
5 of interests. Traub via TBF made a conscious decision
6
7 to let the falsity remain intact before the DE BK Ct
8 chief justice; and confessed this in TBF's **Response**.

9
10 This is a cemented confession of Fraud upon the
11 Court by an officer of the court!

12 As detailed in the *Disgorge Motion* parts 19 & 35, TBF
13 was forewarned against replacing eToys executives with
14 anyone connected to the retained professionals of the
15 eToys bankruptcy case.
16
17

18 Doing insider transactions like that is Against the
19 Law (Bankruptcy Sections **101(14) & 327(a)**) !
20

21 However, Traub/TBF, MNAT, Werkheiser and Barry Gold
22 had big plans and weren't going to allow a mere Asst.
23 UST's forewarning to thwart their schemes.
24

25 By 2004, when plaintiff had finally ferreted out
26 the *Smoking Gun* proof from the Bonus Stores case (the ADA
27 **Affidavit** that had vanity stationary details of both Barry Gold and Paul Traub as
28

1 partners); Romney was by then Governor of Massachusetts
2 and the former MNAT partner (Colm Connolly) had been
3 arranged to become the head federal prosecutor with
4 jurisdiction over the various cases in Delaware.
5

6 Prior to this time, for many years, Delaware UST
7 Trial counsel Mark Kenney had already assisted the bad
8 faith parties on multiple occasions.
9

10 Concerning the case of **Bonus Stores**, the UST objected
11 to Barry Gold/ Traub's ADA issues; but you can't see
12 those items now. Surreptitiously PACER states that the
13 UST Objections are "not available".
14
15

16 One of the reasons for this extensive effort in
17 cover up is the fact that, when plaintiff informed Mark
18 Kenney about the bribes, Mr. Kenney was duplicitous.
19

20 UST Trial Attorney Mark Kenney stipulated to this
21 plaintiff that he wasn't a lawyer and that plaintiff
22 simply didn't understand the complexities.
23
24

25 Mark Kenney said the offer by Defendants of the
26 \$850,000 in sales price reduction for plaintiff to have
27 part of the eToys case estate - wasn't really a bribe.
28

1 And the offers for litigant to work other cases
2 with them was because everyone respected this litigant
3 and his expertise.
4

5 Mark Kenney then further stipulated that plaintiff need
6 not worry. If complainant wanted to confirm that the
7 deal was a legitimate dealing, he should simply accept
8 the offer and then bring the sealed transaction to Mark
9 Kenney's office for approval. **Nice Try!**
10
11

12 Plaintiff's own counsel of Heiman emails Traub's TBF Threat to Plaintiff

13 In 2004, plaintiff's counsel for CLI (Henry Heiman
14 of Heiman, Aber Goldust & Baker) emailed Traub's threat
15 from partner Susan Balaschak to this plaintiff.
16

17 Warning that complainant was to "**back off**" or else.
18

19 Threats of Retaliation included warnings that CLI
20 would not get paid, TBF would destroy plaintiff's
21 business/career and worse would transpire.
22

23 As is obvious all this has already occurred.
24

25 When litigant forwarded the email threat to UST
26 Trial attorney Mark Kenney, he lost his temper and said
27 "**We took care of Barry Gold and Paul Traub issues in the Bonus Sales case**" !
28

Viola!

1
2 What Mark Kenney wasn't aware of is the fact that
3 plaintiff was in contact with adversaries of Paul Traub
4 and his cohorts and had begun to learn how to research
5 cases in the PACER system.
6

7
8 Also, starting around mid-2001, PACER had began to
9 put (previously hidden) docket items, up online.
10

11 Meanwhile, litigants was trying to find someone to
12 help that knew what really was going on with Traub.

13 Whereas plaintiff had found one of Traub's former
14 partners to help in the fight (Stephen Mayka was an associate of
15 the Traub Bonacquist & Yellen firm – who left Traub because they believed his
16 shenanigans would one day land them in jail) .
17

18
19 Mr. Mayka informed plaintiff that Barry Gold had
20 been working with Traub and his law firm for a very
21 long time - and that litigant should look into *bonus*.
22

23 Other competitors also instructed plaintiff to look
24 at "bonus". But none of them - until the *lapse linguae*
25 of Mark Kenney - had informed this pursuer of justice
26 that the "bonus" meant a case named "*Bonus Stores*".
27
28

1 Prior to Mark Kenney's *faux pas*, litigant searched
2 far and wide for a **bonus** commission or other such deal.

3
4 Once plaintiff looked at the *Bonus Stores* case on
5 PACER (DE Bankr. 03-12284) litigant learned that the
6 UST's office did indeed address issues of Barry Gold
7 and Paul Traub in the *Bonus Stores* case.
8

9 Therein plaintiff found the *Smoking Gun* (affidavit
10 inside the *Bonus Stores* case with Paul Traub and Barry
11 Gold named as co-principals); which is the trigger
12 piece of evidence that started to bring down the bad
13 faith parties and compel the "Responses".
14
15

16 This is why Traub and Barry Gold simply had to
17 confess they lied under oath in the eToys case.
18

19 Traub's TBF had submitted many monthly, interim,
20 first and final fee applications (at least 17).
21

22 Each and every one, as is a requirement of the
23 Bankruptcy Code & Rules, came along with a Bankruptcy
24 Rule 2014/2016 Affidavit and Traub's TBF stipulating (falsely) -
25 over and over again - that there were no [Barry Gold]
26 issues and/or ANY [Bain/Glazer] conflicts of interest.
27
28

1 Defendants simply couldn't overcome their own
2 contradictory affidavits with their stationary names
3 thereof, detailing the fact that Barry Gold and Paul
4 Traub were partners in ADA.
5

6 Around the same time, plaintiff discovered that
7 MNAT lied about Goldman Sachs (due to a typo). Finova
8 case was 01-705 and eToys was 01-706.
9

10 MNAT represents Goldman Sachs in Finova; and, by
11 the looks of things, handed in the case filings by the
12 same person at the same time.
13

14 But MNAT had sworn up and down in the eToys case
15 that the firm was not connected to Goldman Sachs.
16

17 To this very day though MNAT (*has now*) confessed the
18 Goldman Sachs issue, MNAT continues to hide its Bain
19 and Mattel connections; because both are disqualifying
20 facts and proof of felony crimes.
21
22

23 In the same fashion of deception to the DE BK Ct
24 and parties of interests, Barry Gold continues to lie
25 and conceal his connections to Wells Fargo, Glazer,
26 Bain, Romney, Cosmetics Plus/Goldman Sachs and Kay Bee.
27
28

1 Paul Traub wins the prize for the most failures to
2 disclose conflicts of interest.

3 Traub had failed to disclose his association with
4 Merrill Lynch, Michael Glazer, Romney/Bain associates
5 (such as Jack Bush), Stage Stores/ Liquidity Solutions
6 /Madison Liquidity, Gordon Brothers, also Cosmetics
7 Plus/Goldman Sachs, Playco/Toys International/Ozer
8 Group, Wells Fargo/Foothill Capital and Barry Gold.
9
10
11

12 Furthermore, there's the additional crime of the
13 eToys dealings with Fingerhut (*more on this below*).

14 Foothill Capital/Wells Fargo are, in the exact,
15 John Gellene type frauds, of over \$100 million.
16

17 Xroads LLC has undisclosed connections to Wells
18 Fargo too; and Goldman Sachs also.
19

20 Ronald Sussman, the attorney for Traub's TBF firm
21 in defending the eToys conflicts issues, also has a
22 spouse who is a key executive at Xroads.
23

24 As is noted in Traub's TBF Stage Stores Supplement,
25 his TBF firm failed to disclose Ronald Sussman.
26

27 Henry Heiman and all subsequent attorneys hired for
28 CLI flatly (*unlawfully*) refused to inform the DE BK Ct

1 and/or UST's office of any ensuing proofs of Perjury,
2 Fraud, Scheme to Fix Fees and Retaliation.

3
4 Meanwhile, the DE UST's office keeps assisting the
5 perpetrators to succeed in organized crimes.

6 As a matter of fact, on February 24, 2005, Mark
7 Kenney actually made an enigmatic effort to obstruct
8 justice by putting forth a purported "Stipulation to Settle"
9
10 Traub's/TBF *Disgorge Motion*.

11
12 Resultantly, the only decent federal person (Asst.
13 UST Frank Perch) was compelled to resign.

14
15 Plaintiff was also in direct contact with the DOJ
16 Deputy Director Lawrence Friedman who was the head
17 administrator of the EOUST in Washington, D.C.

18
19 Director Friedman emailed a promise to plaintiff on
20 February 25, 2005 that his staff was on top of the
21 case; and would deal with it appropriately.

22
23 Lawrence Friedman's promises, at the time, appeared
24 to be sincere, with reactions consequential.

25
26 But plaintiff saw that a clause within Mark Kenney
27 "Stipulation to Settle" (eToys D.I. 2201) made a furtive deal/
28

1 promise that the UST/Police would no longer do their
2 eToys job (there was something greater to hide) .

3
4 Specifically, the Stipulation to Settle of Traub/ TBF
5 Disgorge Motion stated that;

6
7 *"WHEREAS the United States Trustee shall not seek to compel TBF to*
8 *make additional disclosures"*

9
10 Upon plaintiff's efforts to seek out what it was
11 that was so important to hide, where the UST's office
12 would go upon the open record with a flagrant promise
13 to breach the UST's one of few primary fiduciary duties
14 as Police; the Kay Bee \$100 million fraud was found.

15
16 While Traub's TBF is purportedly being punished in
17 the eToys case, for failures to disclose conflicts of
18 interests. MNAT, Barry Gold and Traub's TBF firm are
19 engaged in another plethora of lies, conspiracies, plot
20 to defraud the Kay Bee bankruptcy estate too.

21
22 Obviously, this was an up from Bribery attempts in
23 the eToys case; of plaintiff being offered \$850,000. As
24 Glazer paid himself \$18 million dollars and Bain \$83
25 million before Glazer filed bankruptcy of Kay Bee.
26
27
28

1 Unfortunately, Romney's stalwarts knew they could
2 get away with \$100 million Kay Bee case fraud; because
3 they had the Ace in the Hole of Colm Connolly (the former
4 partner of the MNAT law firm – who was now the U.S. Attorney – that plaintiff did
5 not know about until 2007) .
6
7

8 Upon plaintiff bringing these additional facts to
9 the attention of EOUST Director Lawrence Friedman, he
10 chose discretion over valor and resigned. (Since then
11 Friedman joined the dark side in off-shore tax scams with Bader Company) .
12
13

14 All these serious events transpired when proof of
15 another crime arose during the March 1, 2005 evidence
16 hearing in the eToys case (Transcript D.I. 2228).
17

18 Within the eToys case January 25, 2005 Barry Gold
19 "Response" is Mr. Gold's Hiring Letter.
20

21 This previous hidden Gold/eToys engagement letter
22 does reveal the facts that Gold was paid \$40,000.00 per
23 month upon being placed inside eToys (after being forewarned
24 by the UST's office – not to do that very crime) . It also provides that
25 Barry Gold can received a "bonus" compensation package
26 at the end of the eToys case.
27
28

1 This may also explain why the eToys case was kept
2 open for more than a decade. (Though it is also plausible that the
3 parties wanted to control the case to make sure it didn't harm Romney's election
4 chances) .

5
6 During the March 1, 2005 evidence hearings, Traub
7 was directly deposed, on the stand, by the DE BK Ct, of
8 the issues of Barry Gold.
9

10
11 At that time, Traub confessed that his TBF firm did
12 pay Barry Gold four (4) separate payments of \$30,000
13 each, from January 2001 and ending May 2001 (once Barry
14 Gold was unlawfully inserted into eToys as CEO).
15

16 Therefore, Traub's TBF firm was relieved of the
17 burden of paying \$30,000.00 at a time to Barry Gold.
18

19 Additionally, Mr. Gold received an extra \$10,000 at
20 a time (with the other promise of a "bonus" at the end
21 of the eToys case {success of their plots/ploys}).
22

23 Apparently there has never - ever - been any
24 prosecutions of the 11 U.S.C. & 155 **Scheme to Fix Fee**
25 statute (even after the Janet Reno Reform Act of 1994 made such a
26 priority) . The eToys/Kay Bee cases should be prosecuted.
27
28

1 There is no easier a case to prosecute in this
2 case; except for the confessions to lying under oath.

3 Fee Fixing statute is a Class A Misdemeanor; but it
4 is punishable by a year in prison.

5 Also, the Scheme to Fix Fees Statute is part of the
6 lists of RICO "predicate acts".

7 Additionally, this crime was done so many times, in
8 so many ways, by, Perjury, Obstruction and Conspiracy.

9 There's also a flip of the statute as pertains to
10 this plaintiff. Whereas, part of the scheme to fix fees
11 was the unjust enrichment of the bad faith parties and
12 the grand larceny/retaliation against plaintiff/CLI.

13 Also within Barry Gold's **Hiring Letter** are other proofs
14 of many acts of Perjury and deceits.

15 It has been the contention of MNAT, Werkheiser,
16 Traub/ TBF (and his self-professed local counsel
17 Frederick Rosner), along with Mr. Gold that Defendants
18 never - ever - considered having Barry Gold apply to
19 the DE BK Ct as a Professional Person under Bankruptcy
20 Code 327(a). This too, is an erroneous contention.

1 Akin to the Bonus Stores Affidavit controverting
2 Traub/TBF lies, Barry gold's **Hiring Letter** itself directly
3 invalidates the claim of never considering Barry Gold's
4 need to apply to the DE BK Ct.
5

6 Gold's **Hiring Letter** contains three (3) clauses. Clause
7
8 (i) is of Barry Gold being approved by the DE BK Ct.

9 Clause (ii) concerns eToys obtaining Directors &
10 Officers ("D&O") insurance to cover Barry Gold.
11

12 With the final clause (iii) being that of the DE BK
13 Ct's approving the new D&O policy to cover Barry Gold.
14

15 As clear and convicting as this evidence is of bad
16 faith deceit (when you bear in mind the additional fact that the parties
17 were forewarned NOT to replace eToys executives with anyone connected to the
18 retained professionals) the [Hiring Letter] also provides even
19 further proof of planned bad faith intent.
20
21

22 Whereas additional language within the 2 page Gold
23 **Hiring Letter** stipulates that once Barry Gold is satisfied
24 and "waived the condition in clause (i), then you [Gold] shall be appointed as
25 President and Chief Executive officer" as of May 2001; then he can
26
27 become the eToys President/CEO.
28

1 What is germane about this "waiver" of "clause (i)"
2 is the fact that "clause (i)" is Barry Gold becoming a
3 "Wind Down Coordinator" (double of the tasks of CLI) and it
4 states Gold shall retain the position until "(i)" - "the
5 approval of your [Barry Gold] employment as an officer of the [eToys] Company
6 by order of the U.S. Bankruptcy Court for the District of Delaware" .
7

8
9 Thus, we have proof that Barry Gold did consider
10 being approved by the DE BK Ct; but made a conscious
11 choice not to seek that approval.
12

13
14 Condemning the Defendants efforts in obfuscating
15 excuses even further is the fact that this "clause (i)"
16 was done when the UST forewarned the racketeers not to
17 do the very act they then conspired to do in secret.
18

19 Any 1st year law student would "get this" and file a
20 proper brief for the Law professor to grade.
21

22 This isn't principled issues of falsity complex.

23 There are only 21 United States Trustee's in the
24 country. These parties are the best of the best that
25 our nation can muster; and the specific parties in this
26 case are purported 'experts' of this subject matter.
27
28

1 Roberta DeAngelis went before Congress in 2004 as
2 the UST's expert on reigning in wayward professional
3 persons; and handling fraud.
4

5 Unfortunately, after EOUST Director Friedman had
6 resigned, the subsequent Director (Clifford White III)
7 promoted Roberta DeAngelis to the post of Acting EOUST
8 General Counsel.
9

10 Hence, plaintiff was sending items to the GC of the
11 EOUST and was asking Roberta DeAngelis to investigate
12 her own failures to perform.
13

14 When a visiting justice assisted the destruction of
15 this plaintiff's business, due to *ex parte* conversations
16 with UST parties and Mark Kenney; plaintiff appealed
17 the prejudice to the DE Federal District Court.
18

19 At that time, as if to head off plaintiff's appeal
20 to the Federal District Court in Delaware, taking more
21 than six (6) months to address the issue, the DE BK Ct
22 did publish its "*Opinion*" of October 4, 2005.
23
24

25 In that *Opinion*, the DE BK Ct abuses its authority
26 multiple times; granting astonishing leniency.
27
28

1 On pages 15 & 16 of the *Opinion* (eToys D.I. 2319) the
2 DE BK Ct (then Chief Justice) stipulates that it would
3 be wrong to punish a plaintiff and reward conflicted
4 attorneys; and then the court castigates this litigant
5 while simultaneously letting conflicted attorneys get
6 away with intentional/post-forewarning-fraud on the court.
7

8
9 It is all so bizarre, inexplicable and absurd!

10
11 Additionally, the *Opinion* stipulates that there was
12 no proof of Perjury (in spite of the confessions to 33
13 times of lying under oath to the court).
14

15 Then the DE BK Ct concludes in its 2005 *Opinion* that
16 it is now too late to disqualify MNAT.
17

18 Here we are in 2013 and eToys case is still open
19 with the same bad faith issues of fraud on court being
20 unaddressed and Perjury/Fraud continuous!
21

22 Both the UST's **Disgorge Motion** and the DE BK Ct's
23 **Opinion** affirm the ubiquitous case brought forth by the
24 U.S. Sup. Ct of *In re Hazel Atlas Glass v Hartford Empire* (1944) of
25 Court ruling there's NO statute of limitations when a
26 fraud is perpetrated upon the court by its officers!
27
28

1 Continuing in bad faith the DE BK Ct, on December
2 1, 2005, held a hearing about - **whether or not** - the court
3
4 would allow the appeals of this plaintiff and of eToys
5 shareholder Robert Alber to go forward.

6 Plaintiff also put forth Motions to seek recusal of
7
8 the obvious - biased - justice and for review of the
9 many failures to act of the UST.

10 Both motions couldn't be legitimately addressed if
11
12 the "protected" racketeers were to remain successful.
13 And, so, the UST and DE BK Ct ignored the Motions.

14 Robert Alber was secretly driving across the USA
15
16 from California to the DE BK Ct, to attend the hearing
17
18 on December 1, 2005.

19 Plaintiff was, at the same time threatened again,
20
21 so litigant contacted the FBI in Baltimore, MD; who did
22
23 cause the US Marshals to be present for the December 1,
24 2005 hearings incongruous.

25 As a result of the unusual presence of the Marshals
26
27 and no indication why they were there, the sham hearing
28
with attempts to thwart the appeal, were somewhat taken
aback - and the appeals were permitted to progress.

1 In October 2006, the District Court Justice (KAJ)
2 who presided over those appeals, commanded a telephone
3 conference on October 16, 2006.
4

5 The court took the additional, unusual step of
6 ordering **every** counsel, to be present for the hearing.
7

8 Then the DE District Court informed Traub, MNAT and
9 the others that they were in trouble; and that the
10 Court was going to give eToys shareholder Robert Alber
11 additional time to produce an Amended briefing.
12

13 A few weeks later *that* justice was promoted OFF the
14 case to the United States Third Circuit Court.
15

16 Then, Defendants asked a Magistrate Justice, who is
17 forbidden by Law to be involved with bankruptcy cases,
18 to get involved anyway.
19

20 As a matter of fact - there was an order issued
21 stating the Magistrate taking over justice KAJ's cases
22 **would not** be allowed to get involved in bankruptcy
23 issues and appeals.
24
25

26 What is even more peculiar, is the fact that Barry
27 Gold's counsel's letter stated he was aware that the
28 Magistrate Justice was forbidden to handle the eToys

1 "bankruptcy" appeal case; but they went ahead seeking
2 the Magistrate to stop Robert Alber.

3 During this time, eToys shareholder Robert Alber
4 was being harassed by MNAT's cohort Johann Hamerski
5 (more on this at trial).
6

7 As a result of the constant barrage of bad faith
8 acts by Johann Hamerski, eToys shareholder Robert Alber
9 has had nervous breakdowns and his health declined so
10 much, Alber underwent brain surgery as a byproduct.
11

12 In spite of this hardship (even though Judge KAJ said he
13 would allow eToys shareholder Robert Alber even longer time - specifically due
14 to his health issues - and that Order granting relief that additional time could
15 be granted was **prior to the brain surgery**) the Magistrate Justice
16 held a hearing that was beyond Constitutional authority
17 and did so without Robert Alber being present.
18

19 Then the Magistrate "mailed" an order that it was
20 not legally allowed to do, Ordering Robert Alber to
21 answer within 10 days (by January 18, 2007).
22

23 Fiendish attempts succeeded in delaying Robert
24 Alber answering until the mailing being dated the 19th.
25
26
27
28

1 In spite of the fact that the Magistrate Judge
2 could never issue the order and the compounding issue
3 (relief) that the Federal Rules of Civil Procedure
4 ("Fed.R.Civ.P") permit additional days when a court
5 holds a hearing and "mails" the order. No one in the DE
6 federal system of justice was going to let this part of
7 the law get in the way of the leniency upon the RICO
8 Defendants; and the total ostracizing of insignificant
9 plaintiff's such as Robert Alber and Laser Haas.

13 When a subsequent District Court Justice ordered
14 that Robert Alber's appeal was dismissed, as a result
15 of the sham proceedings, the issue was timely appealed
16 to the Third Circuit (case# 07-2360).

19 During this time, apparent G-dsends befell this
20 plaintiff, who discovered that all the time litigant
21 was sending the case information to the DE US Attorney
22 and the General Counsel of the EOUST; what was really
23 going on is that Roberta DeAngelis (the December 22,
24 2004 removed Region 3 Trustee) had been - secretly
25 promoted to the post of Acting General Counsel of the
26 EOUST (there's no published account of the high level promotion upon the
27
28

1 UST's Press Releases website until later in 2007 – after this plaintiff started
2 screaming and yelling at every Romney, rogue element, public servant stalwart he
3 could). And that U.S. Attorney Colm Connolly was in fact
4 a former partner of the MNAT law firm.
5

6 Hence, plaintiff was asking Roberta DeAngelis to
7 investigate her own failures to perform; and, at the
8 same time, asking U.S. Attorney Colm Connolly to
9 investigate and/or prosecute his form partners at MNAT
10 and that firm's clients!
11

12 Mark Kenney, Roberta DeAngelis, Assistant UST Andy
13 Vara (also an expert on Professionals per 327(a)) and Roberta
14 DeAngelis's cohort Mr. Sutko all four signed the UST's
15 brief to the 3rd Circuit of Robert Alber's appeal.
16

17 Plaintiff need not delve into the massive deceits,
18 obfuscations and bold breaches of fiduciary duties of
19 the EOUST and its Wilmington, DE personal Asst. UST
20 Andy Vara and trial attorney Mark Kenney.
21

22 In the very first footnote of the UST's Third
23 Circuit appeals brief of case 07-2360, is the proper
24 sum up of the significant problems in the case.
25
26
27
28

1 As the very 1st footnote of the UST's brief (that
2 took four (4) of the most experienced experts to
3 address 'pro se' Robert Alber) states the fact that the
4 problem in a nutshell that "the United States Trustee had not
5 and will not address the MNAT issues"!
6
7

8 To this very day, there never has been any type of
9 **Disgorge Motion** and/or **Stipulation to Settle** concerning the MNAT
10 confessions of lying under oath fifteen (15) times.
11

12 When plaintiff subsequently reported proofs of the
13 obvious issues of breach of fiduciary duty, willful
14 blindness and federal corruption acts of having direct
15 links to "targets" of a fed investigation, to the Los
16 Angeles **Public Corruption Task Force** and US Attorney Tom O'Brien
17 as being the head prosecutor there. Instead of putting
18 a stop to the manifest injustice, enigmatically the
19 **Public Corruption Task Force was SHUT DOWN!**
20
21
22
23

24 As if all of that betrayal of the public's trust
25 was not enough, the Los Angeles Times March 2008 story
26 "Shake-up roils federal prosecutors" details the fact that career
27 federal prosecutors were actually threatened to keep their mouths shut Or ELSE!
28

1 What is absurd about all this, as well as extremely
2 frightening; if the Racketeers can get away with this
3 much in the open - how much more harm is done secretly?
4

5 With so many issues of federal corruption obvious,
6 it shocks the conscience that there's no intervention!
7

8 **VIII FAILURES TO PROSECUTE SPREADS RICO ACROSS THE NATION**

9 As is to be expected, if grand larcenists can get
10 away 'Scot Free' in all that they do. Then the next step
11 is to increase the size, scope and breadth of organized
12 crimes to get away with as much as the Defendants can.
13
14

15 Paul Traub was involved, one way or another with
16 many of national scams. Including, *but not limited to,*
17 Enron, Adelphia, Levitz, Okun 1031 Tax Group and Kmart.
18

19 Concerning the cases of fraudster Marc Dreier, Paul
20 Traub became a partner of Dreier LLP after Robert Alber
21 found proof that Traub's TBF firm had been **Revoked** by
22 the Sec. of State in NY (eToys transcript D.I. 2228).
23
24

25 Additionally, Traub has been named as "controller" of
26 the Tom Petters Ponzi by federal receiver Douglas
27 Kelley (who has a scandalous history also) .
28

1 Traub/Petters Ponzi had acquired many national
2 companies, including UBid, Sun Country Airlines, also
3 Fingerhut and Polaroid.
4

5 Thane Ritchie's Capital Management Company loaned
6 hundreds of millions of dollars to Tom Petters with the
7 Polaroid asset to secure the monies.
8

9 But Traub was never going to permit Thane Ritchie
10 to have Polaroid.
11

12 A scheme was hatched where a mock sale would occur;
13 and Traub would win back that prize!
14

15 Another issue apropos to both eToys and Tom Petters
16 Ponzi is that of Fingerhut.
17

18 Back in 2001, eToys was in litigation against the
19 Fingerhut entity; which occurred because Fingerhut was
20 blamed (in part) for eToys demise. Apparently Fingerhut
21 screwed up many of the Christmas orders of eToys.
22

23 But MNAT, Traub and Barry Gold settled the eToys v
24 Fingerhut case; while Traub/Petters used Ponzi monies
25 to acquire Fingerhut (whose home office address, until
26 2007, was listed as 655 Third Ave, NY, NY - Traub's law
27 office headquarters).
28

1 Just prior to the FBI raid, Traub went to Minn. and
2 a new finance/re-arrangement of ownership of Fingerhut
3 occurred. A new loan of \$50 million came to Fingerht
4 via our ever evolving Goldman Sachs & Bain Capital!
5

6 As a result of the back door dealings and Romney's
7 cohort Traub being involved, Fingerhut was never seized
8 by the Feds.
9

10 Even though Polaroid was seized by Douglas Kelley,
11 the skullduggery launched itself to a whole new level
12 that makes the Chris Christie giving former US Attorney
13 General John Ashcroft and US Attorney Debra Yang a \$50
14 million dollar NO BID Deferred Prosecution Agreement
15 ("DPA") - indeed, appear to be - child's play.
16
17
18

19 Traub knew he went through hell; because of his
20 getting caught for lying under oath in eToys. So, in
21 the Tom Petters Ponzi case a decision was made to break
22 laws and ethics rules openly. There's simply no one
23 able to challenge the federal corruption but the feds!
24
25

26 Having established how much they could get away by
27 their venality with Colm Connolly in Delaware, many
28 bizarre deals were done behind closed doors that made

1 the "good ole boys" networks in Minnesota get rich from
2 the Tom Petters/Paul Traub Ponzi case.

3 Such as the fact that Douglas Kelley was originally
4 Tom Petters law firm; and then switched sides to become
5 the Federal Receiver to stop Thane Ritchie.
6

7 When Traub/Petters had defaulted upon Polaroid's
8 loan obligations, the Illinois federal court granted
9 Ritchie's Capital Management an Illinois Fed Receiver
10 named Joe Procida.
11

12 Upon Mr. Procida's arrival in Minnesota to do the
13 task of performing the federal court ordered duty, the
14 Petters attorney Douglas Kelley told him no.
15

16 Then, Douglas Kelley simply hopped onto the other
17 side of the fence of fiduciary duties and was named as
18 the (I guess you call it "new") Federal Receiver over the Minn.
19 Tom Petters (Paul Traub) Ponzi case.
20

21 To put this in more simple, picturesque framework,
22 could Al Capone be allowed to arrange for Frank Nitti
23 to be Capone's attorney one day; and then be receiver
24 over the feds seizure of Capone's assets the next?
25
26
27
28

You can in a RICO Romney world!

1 Everyone knew that this was hogwash. It was abuse
2 of Ethics standard, against the Law & all common sense.

3 However, even something bigger was now being tested
4 that also made was going to spin justice upside down on
5 its head; and make an open statement of "who cares"!
6

7 What do you call a former head federal prosecutor
8 who gets \$50 million from a target of investigation, in
9 order to guarantee no prosecution?
10

11 This RICO had a new, even more sinister and very
12 convoluted scheme to put to public bribery to the test.
13

14 Whereas the judge (a **Magistrate who also has extensive history**
15 **with Doug Kelley**) simply legislated from the bench and gave
16 her crony Douglas Kelley purported blanket protection
17 from his obvious conflict of interests efforts.
18

19 The court's in Minnesota call it "judicial immunity"!
20

21 All reviewers of these facts have to bear in mind
22 that this was during the era of corrupt Colm Connolly,
23 Chris Christie DPA's and shutting down the Los Angeles
24 Public Corruption Task Force; while stating that there
25 were NO public corruption cases to work.
26
27
28

1 Apparently, in contemporary DOJ environment it is
2 no longer considered bribery when a prosecutor is paid
3 to forgo prosecutions.
4

5 Nor is the integrity of the judicial process to be
6 sacrosanct - any longer.
7

8 Stiffing the likes of Thane Ritchie is no small
9 feat of accomplishment.
10

11 Thane is the actual son of THE Scott Armstrong and
12 G-dson of THE Bob Woodward who brought down Richard
13 Nixon.
14

15 That didn't stop the Racketeering Defendants from
16 taking hundreds of millions from Thane Ritchie.
17

18 Even with Thane's loans being only several months
19 before the actual FBI raid of Petters companies.
20

21 After Douglas Kelley, armed with his "judicial immunity"
22 powers did seize the Polaroid assets; other details of
23 many more conflicts of interest arose.
24

25 Turns out that Receiver Douglas Kelley utilized the
26 Lindquist & Vennum ("L&V") law firm to handle some of
27 the Receiver's filings.
28

1 What is at issue is the fact that L&V also did
2 represent Paul Traub/Tom Petters partner/associate
3 named Michael O'Shaughnessy.
4

5 Mr. O'Shaughnessy knew in advance that the Ponzi
6 was going to collapse and Polaroid would be in serious
7 trouble. So he wrote contract "*ipso facto*" terms to
8 unjustly reward Michael O'Shaughnessy.
9

10 At the same time (apparently) Douglas Kelley spoke
11 out as if he were still part of the Minnesota DOJ's
12 unit (more on this in just a moment). Mr. Kelley did
13 make Mary Jeffries Polaroid's CEO after he came out
14 publicly stating she wasn't a target of the fed issues.
15
16

17 Other associates of Paul Traub's who also seemed to
18 get away 'Scot Free', included David Baer, Tom Hays,
19 Camille Chee-Awai and many others.
20

21 Playing musical chairs with executives (who must
22 know too much to be arrested) didn't stop the new age
23 racketeers from pushing the limits of perverting the
24 Code & Rule of law every chance they could by "**judicial**
25 **immunity**" and other absurdities. Douglas Kelley even
26
27
28 became bankruptcy trustee over some of Petters cases.

1 This too, is a violation of Ethics, Professional
2 Code of Conduct, Bankruptcy Code & Rule of Laws and all
3 common sense. The American Bar Association stipulated
4 on its website that - once a bankruptcy case is filed -
5 the federal receiver becomes moot.
6

7
8 Whereas a Federal Receiver is also an examiner of
9 facts and stipulated point blank in the Bankruptcy Code
10 & Rules of Law "An Examiner Can NOT be Trustee"!
11

12 You simply can't have a party examining the issues
13 of whether or not transactions are kosher; to be the
14 same party profiting from that decision. It's an open,
15 flagrant and blatant obvious conflict of interest.
16

17
18 Furthermore, there are many reasons why "Deferred
19 Prosecution Agreements" can't be made by authority of
20 the very prosecutor involved in the case.
21

22 First off, it opens up a whole bag of worms when
23 you give carte blanche motivations to a U.S. Attorney
24 to start looking for parties to prosecute that can be
25 compelled to pay millions of dollars in fines, instead
26 of being found guilty. Sort of like the SEC telling
27 Mark Cuban it's okay; then seeking to prosecute him.
28

1 Secondly, our nation simply can't allow federal
2 agents to be involved in a process where a "Deferred
3 Prosecution Agreement" can be made and then same federal
4 prosecutor decide where the monies go from the DPA.
5

6 **It is obfuscation of BRIBERY issues as *modus operandi*!**
7

8 Nor can you have attorneys for those targeted by
9 federal investigations to become the federal receiver
10 thereof.
11

12 Picture how bad it would have been if Mitt Romney
13 would have become POTUS, handpicked the "friendly" U.S.
14 Attorney some parties were purportedly paying vast
15 millions of dollars to benefit from. United States
16 Attorney General Colm Connolly! Or how about the vastly
17 experienced, misunderstood, "received" EOUST Director
18 Paul Traub. (As they've purportedly done nothing wrong) !
19
20
21

22 Are we to have federal receivers seizing all the
23 assets of targets, depriving them of any money for a
24 proper defense; then put them (OKUN) in jail 100 yrs?
25

26 To placate Ritchie and any other victim, an auction
27 was held of Polaroid that was corrupted by the RICO.
28

1 Whereas Polaroid was sold in a quasi-legal auction
2 while in bankruptcy.

3 Plaintiff alleges that it was not a proper auction;
4
5 for many reasons. Including the fact Polaroid was sold
6 to the 2nd highest bidders - Hilco and Gordon Brothers.
7

8 Both Hilco and Gordon Brothers just so happen to be
9 Paul Traub's clients.

10 Upon the success of that plot to defraud victims a
11 second time by the sham auction of selling the billions
12 in worth of Polaroid for \$83 million. Douglas Kelley's
13 piggybank grows larger and Gordon Brothers announced \$2
14 billion in new licensing deals shortly after the sale.
15
16

17 Then, as if enough mud isn't rubbed into the face
18 of the victims - over and over again - Paul Traub is
19 openly made co-principal of Gordon Brothers.
20

21 This, of course, is really no big deal; because of
22 the many other secrets going on at the Minnesota DOJ's
23 office, including the fact that J. Lackner's brother -
24 Marty Lackner - also just happened to be a partner in
25 the Traub/Petters Ponzi.
26
27
28

1 Unfortunately, plaintiff won't be able to depose
2 Marty Lackner and get the files Marty purportedly had
3 on the inner workings of the case.
4

5 In 2009, Marty Lackner was *suicided!*

6 Apparently, this plaintiff is the only person who
7 knew that Marty Lackner and J. Lackner were brothers.
8

9 The significance being that Marty was working in
10 the Traub/Petters Ponzi feeder fund of Lancelot.
11

12 At the same time, J. Lackner was Assistant U.S.
13 Attorney in Minnesota; and prior head of Criminal Div.
14

15 Plaintiff could go into other bizarro facts of how
16 Larry Reynolds laundered \$12 Billion for the Traub/
17 Petters Ponzi while living in Las Vegas; while also
18 being investigated for a long time by the IRS, SEC and
19 FDIC.
20

21 How plaintiff knows of the investigations, is the
22 fact that Larry Reynolds sat in the same office area
23 (but in different company) as litigant, during the
24 eToys saga. For all we know, this is how Larry dealt
25 himself into the Traub/Petters Ponzi dealings - was his
26 ability to spy upon plaintiff's paperwork.
27
28

1 But that's not the real kicker about Larry Reynolds
2 as his real name is Larry Reservitz and he was able to
3 launder \$12 BILLION for the Traub/Petters Ponzi while
4 being under investigation of all those federal agencies
5 and doing such money laundering in Las Vegas.
6

7 Plus, Larry "Reservitz" Reynolds had the dual names
8 as a party of WISTEC (Witness Protection Program).
9

10 The Minnesota DOJ never properly recused themselves
11 from the case, due to the J. Lackner link.
12

13 Plaintiff even tried to get these issues looked
14 into and brought out by Tom Petters in his Motion to
15 the federal court to get his sentenced reduced.
16

17 Surely, had the jury in the Petters case known that
18 Paul Traub had been named "controller", that Traub's
19 other cohort/crony Larry Reynold's was getting away
20 with all types of skullduggery while in WISTEC. Doing
21 so when the Minnesota U.S. Attorney's office had direct
22 links to the Ponzi scheme; and Petters own attorney had
23 become the federal Receiver. Isn't it possible that the
24 verdict of Tom Petters be reduced far lower than the 50
25 years he actually received?
26
27
28

1 Given how Twilight Zone all these Facts make this
2 RICO case actually out to be, is there any point to
3 this plaintiff going into the other details that it
4 took litigant more than 2 years to hound Minnesota DOJ
5 to get Frank Vennes arrested?
6

7
8 Or how Rothstein in Florida is connected to the
9 Traub/ Petters Ponzi scandal (via Discala).

10 Romney's son is also linked to the Stanford fraud
11 in Texas; **but that will – in all likelihodd - never be addressed.**

12
13 Bruce Prevost and David Harrold were partners with
14 Frank Vennes in the Petters/Traub Ponzi and have since
15 pleaded guilty, with their sentences now supplied.
16

17 But Steve Cammack who owned Palm Beach Links
18 Capital that was worked by Prevost and Harrold, never
19 has been mentioned (though plaintiff has informed one agency after
20 another about the Cammack crimes) .
21

22
23 Bill Cawley of Dallas, Texas helped Steve Cammack
24 set up Palm Beach Links Capital of Dallas, Florida to
25 work the Tom Petters Ponzi by setting up Palm Beach
26 specifically as a feeder fund via Frank Vennes.
27
28

1 Cawley put in \$50 million for Palm Beach; but
2 Cammack gave him back a \$52 million loan and also made
3 Bill Cawley one who took manager fees from the funds.
4

5 Cammack is being connected/protected on 2 fronts as
6 he has evidence of the frauds and is not just connected
7
8 in Texas, Minnesota and Florida.

9 Steve Cammack's other kicker is he worked Finova
10 that was owned by Goldman Sachs (the bankruptcy case that was
11
12 being handled by MNAT) .

13 Parties contacted plaintiff and informed litigant
14
15 that Cammack is now trying to set up new programs.

16 It is also specious how the feds have down played
17
18 how big the Traub/Petters Ponzi scheme was.

19 Douglas Kelley and DOJ personnel in Minnesota have
20
21 stated - over and over again - that the Petters Ponzi
22 is a \$3.7 billion fraud.

23 And yet, Michael Catain claims he laundered over
24
25 \$10 billion.

26 Larry Reynolds (real name "Reservitz") has
27
28 testified he laundered \$12 billion.

1 Plus Mr. Stobner, a trustee in one of the Petters
2 bankruptcy cases, has gone upon the open docket record
3 stipulating that the [Traub] Petters Ponzi was more
4 than a \$40 billion scheme.
5

6 However, when you have the head of the Criminal
7 Division (J. Lackner) whose own brother (Marty Lackner)
8 is involved in the frauds and winds up "Suicided". It then
9 is more prudent to make the organized crimes smaller.
10
11

12 Many mysteries that have never been addressed do
13 include how Polaroid was sold for \$83 million and wound
14 up with \$2 Billion in license deals shortly thereafter.
15

16 Does it really matter? Who cares about victims who
17 are just suckers? The working class who lost their life
18 savings and/or mortgaged their homes to make money from
19 the schemes are all shysters too - Correct?
20

21 Like the Nuns who received a gift of \$250,000 to
22 install a handicap elevator; and were then faced with
23 the mocking of justice Receiver Douglas Kelley come
24 calling to clawback that Petters Ponzi money. After all
25 - the good ole boy Doug Kelley is just doing his job!
26
27
28

1 Meanwhile, the RICO stalwarts as purported keepers
2 of justice, continue to crack themselves up behind the
3 scenes on just how perverse they can fracture a system.
4

5 Doug Kelley and cohorts gained tens of millions in
6 Receiver, Legal and audit fees from the Ponzi.
7

8 But that's not enough for Douglas Kelley, who went
9 to federal court to get a Mandatory Victims Restitution
10 Act ("MVRA") - expunged from being applied.
11

12 Such is the way of the world when the unimportant
13 Congress and Constitution failed to get those terms
14 correct of "Mandatory", instead of "Maybe".
15

16 Then, to make everyone feel all warm and fuzzy that
17 the victims weren't being totally ripped off a 2nd time; Gary Hansen, who
18 was Vennes's "judicially immune" receiver, permitted Frank
19 Vennes to handpick which specific pay backs occur.
20
21

22 Including Frank Vennes's right hand guy Charles
23 Chase of Chase Holdings getting \$1.9 million.
24

25 And no one better complain; because the Minnesota
26 courts also approved that, since the MVRA was no longer
27 mandatory, the US Attorney's gets only \$15 million.
28

1 What the excuse was for this ludicrous abuse of due
2 process, is that the whole thing is just too complex.

3 However, if one wants to really look at the rash
4 complexities of a Ponzi scheme and issues presented on
5 the recompense of victims. If, as is already set in
6 stone in the Petters [Traub as controller] Ponzi case
7 that \$3.7 Billion was scammed away and there is to be
8 no Mandatory Restitution to the Victims. Then what in
9 the blazes are there any need to have a dang Federal
10 Receiver for in the 1st place?
11
12

13 Why stop Thane Ritchie's legitimate seizure of the
14 Polaroid assets (same as a car loan not being paid and
15 he car being repo'd) only so some "good ole boys" club
16 can gets tens of millions (maybe hundreds of millions
17 or even more) in fees gutting the victims a 2nd time?
18
19
20
21

22 If you took the ghost of Al Capone, mixed it in
23 with Dutch Schultz, added in Bugsy Siegel and put all
24 of them on LSD; they could never - EVER - in their best
25 days, contrive all the crimes, perversions of justice
26 and outright corruption that this Racketeering Gang is
27 able to get away with - OPENLY.
28

1 Due to the gross negligence and massive willful
2 blindness in the extreme, by the federal watchdog
3 agencies and public servants therein, there's simply no
4 chance of justice. Destruction of the publics' faith in
5 the integrity of federal processes, is now a standard!
6

7
8 Now, if the reviewers of this case think that the
9 bad faith parties have had enough of unjust enrichment
10 and appetites are satisfied; how come RICO boss Romney
11 then sought to run for President of the United States?
12

13 Romney continues to seek to find a way he can deal
14 himself back into the politico high stakes arena (**with his**
15 **wife, kids, brother etc., exploring their chances for high office elections**) .
16

17
18 Larry Reynolds does 10 years in prison, Mike
19 Catain 10 years, Marc Dreier 20 years, Tom Petters 50
20 years and Okun 100 years (**Traub worked the Okun case like eToys,**
21 **where he was counsel for Okun 1031 Tax Group and his "former" partner**
22 **(Michael Fox) was the attorney for the Trustee/Receiver**) . But the real
23 fraudsters, corrupters of federal agents/agencies, as
24 always, continue to get away 'Scot Free'.
25
26
27

28 It is as if America has gone back to the dark ages!

1 Due to the expediency of the unjust enrichments,
2 Bain is now a partner with Goldman Sachs in various
3 ventures and has acquired vast corporate holdings. Bain
4 has even bought Clear Channel Communications, Toys R Us
5 and is expanding its empire around the world.
6

7
8 It is easy to do gobble ups of corporate entities
9 around the country, public and private, when there is
10 no one who would dare say what you are doing is wrong.
11

12 Dunkin Donuts, Burger King, Sports Authority, HCA,
13 Burlington Coat Factory, Kay Bee, Guitar Centers, Stage
14 Stores, Toys R Us with FAO Schwartz, eToys and even the
15 Boston Celtics.
16

17 Money can't buy you love; but it can purchase about
18 everything else, including undue power and influence.
19

20 Meantime the crimes continue in the Petters case,
21 Kay Bee and eToys. Even after Douglas Kelley named Paul
22 Traub as the "*controller*" of Tom Petters Ponzi.
23

24 Here we are 2 years later after a stunning, public
25 revelation and still there's no arrest of Traub.
26

27 However, all of sudden, we are now in a Chris
28 Christie bridge-gate loom large world of justice.

1 Perhaps the public angst about federal venality
2 will consider the possibility that all these facts are
3 true (as mountainous as they are) IF Christie can????.

4
5 Whereas the evidence speaks for itself - if someone
6 will just take the time, look upon it & add it up. One
7 can only hope and pray that justice comes.

8
9 It is a miracle that, thus far, this plaintiff is
10 still alive and this RICO case is still open; as the
11 PACER docket is checked each day - with much anxiety.

12 **IX RICO ASSOCIATIONS IN FACT – BANKRUPTCY RINGS**

13
14 Fortunately, due to the hubris of the Defendants
15 and their belief that Defendant Mitt Romney would be
16 the inevitable POTUS; they left evidence trails vast,
17 the inevitable POTUS; they left evidence trails vast,
18 overwhelming and irrefutable (*frequently federal archives*).

19
20 There are many different factions to this RICO
21 case; including, *but not limited to*, politico efforts
22 (that are apparently not as closed ended as litigant wishes such were) .

23
24 Also there are many factions/styles of federal
25 corruption parts becoming incestuous and systemic
26 throughout the federal justice system (and also appears to be
27
28

1 so in the State system of justice in Michigan {more on this later at
2 trial}}).

3
4 Be that all as it may, there's definitely one type
5 of grouping of the Racketeering Defendants that this
6 plaintiff can readily provide proof of its existence;
7 and that is what Congress and the Third Circuit has
8 acknowledge as a "*Bankruptcy Ring*" of perpetrators.
9

10
11 Unlike Capone running Chicago; this RICO gang has
12 set its eyes upon national targets and more.

13
14 Whereas plaintiff alleges the "Defendants" have
15 indirectly and/or directly gained *unjust enrichment* as
16 a result of Racketeering through multifaceted schemes
17 and various "*associations in fact*".
18

19 In 1981, in the case of *United States v. Turkette*,
20 452 U.S. 576 the United States Supreme Court concluded
21 that the members of an "*association in fact*" enterprise must
22 associate together for a common purpose of engaging in
23 a particular "*course of conduct*".
24

25
26 As is a pattern of this RICO, legitimate businesses
27 assaulted hereby, often wind up in bankruptcy.
28

1 Congress was aware bad faith attorneys at law, who
2 did specialize in bankruptcy court cases, might be able
3 to nefariously seize federal estates assets as their
4 very own piggy bank by hiding their connections.

6 To arrest conflict of interest ("Conflict") issues
7 of attorneys at law engaging in veiled agendas and/or
8 self-dealing in bankruptcy cases that is a **Breach of**
9 **Fiduciary Duty** to detriment of clients; Congress changed
10 the **Bankruptcy Codes & Rules of LAW** compelling full disclosure
11 of any and all potential "*conflicts of interests*".

15 Whereas, law firms are required to file Bankruptcy
16 Section **327(a) Application as a Professional Person**; in order to get
17 approval of bankruptcy justices.

19 Additionally, the candidate must state that they
20 are Bankruptcy Section **101(14) Disinterested Person**; and then
21 the applicant must submit a **Bankruptcy Rule 2014 Affidavit**.

24 Bankruptcy Rule Affidavits are a check-n-balance
25 measure as bankruptcy courts don't have time to ferret
26 out the validity of applicants self-policing remarks;
27 but can slam a harsh hammer of justice when the parties
28

1 conceal their associations by falsely stating such does
2 not exist - Under Penalty of Perjury!

3
4 Defendants in this instant case almost always
5 choose to fail to disclose their Conflict of Interest
6 issues to anyone for the sake of unjust enrichment.

7
8 Currently, Defendants are, even to this very day,
9 continuously lying under oath, at the direct detriment
10 of court approved clients, in Breach of their Fiduciary
11
12 Duty for the sake of (*at the barest of minimums*) of
13 enriching Romney, Goldman Sachs and Bain Capital.

14
15 In its decision of In re Arkansas 798 F.2d 645; the
16 3rd Circuit details Congressional reflections that the
17 “--legislative history makes clear the 1978 [Bankruptcy] Code was designed to
18 eliminate the abuses and detrimental practices that had been found to prevail.
19 Among such practices was the cronyism of the "*bankruptcy ring*" and attorney
20 control of bankruptcy cases. In fact, the House Report noted that ‘[i]n practice ...
21 the bankruptcy system operates more for the benefit of attorneys than for the
22 benefit of creditors.’ H.R. No. 595, 95th Cong., 2d Sess. 92, reprinted in 1978
23 U.S. Code Cong. & Ad. News 5787, 5963, 6053". Once again the bad
24
25
26
27
28 faith practice of a "*Bankruptcy Ring*" has popped up!

1 Obviously, Congress was well aware that there was a
2 problematic potential for riggings of the Bankruptcy
3 system. Thus the Code & Rule of Law was changed to
4 prevent such Conflicts and such can be Racketeering!
5

6 The Law making arm of our nation's government has
7 (prudently) built-in the Bankruptcy Fraud statutes §§ 152 thru
8 and including Section 156 into the RICO Act.
9

10 Whereas much of the Bankruptcy Fraud statutes are
11 also made a part of RICO as felonies violations under
12 the Code of 18 USC § 1961 "*predicate acts*".
13
14

15 Additionally, beyond the federal "predicate act"
16 violations; many states felonies transpired also. This
17 "Bankruptcy Ring" *modus operandi* is a regular pattern of
18 this RICO.
19

20 **X ADDITIONAL BACKGROUND OF THE RACKETEERS COMING TOGETHER**

21 It is quite possible that there are several running
22 amok cells of the RICO going around the country as
23 separate platoons of scammers. Then, they bounce into
24 each other - from time to time - in a feeding frenzy to
25 siphon out as much money as quickly as possible.
26
27
28

1 This would explain the perfect storm of organized
2 crimes concerning Stage Stores, Kay Bee and eToys.

3 MNAT performs its functions for Goldman Sachs and
4
5 Bain Capital in various mergers and so forth.

6 Paul Traub and Barry Gold are a different squad of
7
8 perpetrators benefiting the same legitimate entities of
9 Goldman Sachs and Bain; but doing so illegally.

10 Rogue elements in the DOJ, such as Mark Kenney,
11
12 Roberta DeAngelis, and the former DOJ Douglas Kelley
13 who can make any perverse deal in Minnesota occur that
14 he so desires.

15
16 Reportedly former US Attorney General John Ashcroft
17
18 is upon the open record to the Hague Global Forum on
19 Corruption condemning corrupt federal judges colluding
20 with high ranking members of the UST's office.

21
22 Similarly former US Attorney Debra Yang was the
23
24 head of the President's Corporate Fraud Task Force to
25 handle cases like Enron and WorldCom through the Los
26 Angeles United States Attorney's office.

27 Then John Ashcroft and Debra Yang get a \$50 million
28
No BID DPA contract handed to them by Chris Christie.

1 All of a sudden, all remarks of John Ashcroft about
2 the issues vanishes from the web - nearly entirely.

3 As a matter of fact, Romney's stalwarts are no so
4 confident that they claim Ashcroft never made remarks
5 about the issues at all. As if that point of contention
6 is a good thing to lecture about!
7

8
9 Meanwhile, as one might by now guess, things come
10 full circle.
11

12 Romney = Bain = Clear Channel Communications = Red
13 McCombs who is also the head of Blackwater. Where none
14 other than John Ashcroft is now employed.
15

16 Outside of the obvious issue that this plaintiff is
17 trying to bring down one of the most important persons
18 in the country who coincidently can have conversations
19 with mercenaries. There's other "issues" apropos too!
20

21 Colm Connolly was an MNAT partner who did become
22 the Delaware United States Attorney on August 2, 2001,
23 when Romney claims to have become retroactive. Beyond
24 issues of J. Lackner there's questions on how the heck
25 the RICO is so powerful that it arranged for justices
26 to be promoted off the cases to higher courts.
27
28

1 POTUS wannabe Mitt Romney is a person of national
2 prominence who is the son of George Romney (the real foreign
3 born person who ran against former President Richard Nixon in a quest for
4 George to become the President of the United States) .
5

6 Akin to his father George becoming the Governor of
7 Michigan - Mitt became the Governor of Massachusetts.
8

9 Mitt also followed his father's ways as a purported
10 successful businessman. George was President/ Chairman
11 of American Motors and also became the Secretary of
12 Housing and Urban Development who introduced America to
13 the first government 1970 program of mortgage backed
14 securities.
15
16

17 Romney is the CEO and reported 100% owner/ founder
18 of Bain Capital. There's no proof before the country
19 that Romney has ever given up ownership of Bain.
20
21

22 Purportedly, Romney firstly funded Bain Capital by
23 Salvadoran émigré purportedly linked to "death squads".
24

25 **Romney Owns Stage Stores by Mike Milken Fraud Seed Monies**

26 While the banter about the origins of initial funds
27 for Bain Capital may need additional discovery, for the
28

1 sake of clarity apropos. There remains little debate
2 about where Romney obtained his monies to fund Stage
3 Stores mergers.
4

5 Whereas funding for Stage Stores arose from junk
6 bond fraudster Michael Milken; but remained intact due
7 to surreptitious judicial vice.
8

9 Stage Stores funding was permitted to remain in
10 place, even though the justice presiding over the
11 Milken case had a wife who was Chairman of Palais
12 Royale retail stores that was acquired by Stage Stores.
13
14

15 **Kay Bee Toys Case Fraud**

16 Michael Glazer, while still at Stage Stores paid
17 himself \$18 million and Bain \$83 million; before Glazer
18 filed for the initial bankruptcy of Kay Bee Toys.
19

20 It is also a fact that the eToys and Kay Bee have
21 been in bankruptcy multiple times.
22

23 But they always wound back up under Bain Capital;
24 this time as sub holdings of the Toys R Us entity.
25

26 **Romney, Traub, Barry Gold and Glazer - All Worked Together At Stage Stores**

27 As reported by the Securities Exchange Commission
28 ("SEC") Romney owned 800,000 (+) shores of Stage Stores

1 back in 2000/2001. At that time Jack Bush and Michael
2 Glazer were co-director's at Stage Stores.

3 Defendant Barry Gold was Stage Stores director's
4 assistant who hired the TBF law firm of 655 Third Ave.,
5 New York, N.Y.
6

7 Susan Balaschak, a TBF partner, resided in Houston,
8 Texas where Stage Stores corporate offices are.
9

10 **MNAT Handled Romney's Merger of The Learning Company with Mattel**

11
12 In 1999, Romney and associated parties owned the
13 entity The Learning Company/TLCo.
14

15 Defendant Morris Nichols Arsht & Tunnell ("MNAT")
16 was the firm who merged TLCo with Mattel in 1999.
17

18 Reportedly, Mattel investors lost \$3 Billion as a
19 result of one of the worst corporate mergers ever.
20

21 There's no reported federal investigation of whom
22 scammed who by the Mattel/TLCo merger. The bleeding in
23 the millions was so profuse that Mattel gave away TLCo
24 for free to Gores Technology Group.
25

26 **Goldman Sachs is IPO Agent for eToys**

27 Goldman Sachs is represented by the MNAT law firm
28 in Delaware. Also in 1999, Goldman Sachs took eToys

1 public. Bain Capital/Romney issues are also represented
2 by MNAT in Delaware.

3 Goldman Sachs took eToys through its initial public
4 offering ("IPO") where the stock soared to \$85. But,
5 eToys only received less than \$20 in a classic pump-n-
6 dump/Spinning securities fraud deal.
7
8

9 In less than two (2) years, doing hundreds of
10 millions in annual sales, MNAT still filed bankruptcy
11 of eToys on March 7, 2001 (DE Bankr. 01-706).
12

13 **MNAT Confessed Concealing Goldman Sachs Conflict**

14
15 In 2004, litigant found *Smoking Gun* proof that MNAT
16 had failed to disclose the Goldman Sachs conflict.
17

18 MNAT confessed this lie in early 2005; but the MNAT
19 law firm was given a slap on wrist fine as the DE BK Ct
20 didn't even bother to state the amount MNAT would pay!
21

22 **Romney/Bain/Glazer/Kay Bee Set Out to Acquired eToys**

23 With cash flows running better for Romney and Bain
24 Capital ("Bain") in 2000, once the bankruptcy of Stage
25 Stores was filed; Bain turned its sights upon more
26 conquests and set out and acquired Kay Bee.
27
28

1 In mid-2000, Kay Bee Toys was acquired from the
2 Consolidated Company that owned Big Lots, by a Bain
3 down payment and promise to pay later (a pattern of the
4 RICO). Mr. Glazer was the CEO of Kay Bee at the time.
5

6 Here's a neat little tidbit. Big Lots was duped by
7 the RICO also; as MNAT was actually hired by Big Lots
8 to get back the monies from Bain/Kay Bee.
9

10 **I kid you not!**
11

12 As cheap as possible, Bain (with CEO Romney) via
13 Kay Bee (with CEO Glazer) then seeks to buy eToys.com -
14 which is top dog in online toy industry retail sales.
15

16 MNAT lies/conceals to this very day, about its
17 connections to Mattel, TLCo, Romney, Bain and possibly
18 even eToys - in order to become and remain the DE BK Ct
19 approved counsel for eToys.
20

21 **Traub's TBF Confessed Concealing Barry Gold Conflict of Interest**
22

23 Paul Traub's firm of Traub Bonacquist & Fox ("TBF")
24 lied about links to Goldman Sachs, Glazer/Romney/Bain,
25 Merrill Lynch, Foothill/ Wells Fargo and Barry Gold, in
26 order to become the DE BK Ct approved counsel for the
27 eToys "Official Committee of Unsecured Creditors".
28

1 In 2005, Traub's TBF confessed failing to disclose
2 the conflict of interest issues of Barry Gold.

3 This was due to the fact that plaintiff ferreted
4 out Affidavits in the *Bonus Stores* bankruptcy case that
5 stipulates on the vanity stationary "Barry Gold and
6 Paul Traub" are co-principals of Assets Disposition
7 Advisors ("ADA").
8
9

10 Research of ADA reveals it is a Delaware entity
11 formed in April 2001; a month before Barry Gold was
12 reportedly inserted inside eToys as a post-bankruptcy
13 petition President/CEO of eToys.
14
15

16 Once MNAT was an attorney on the eToys Debtor's
17 side and Traub's TBF was a counsel on eToys Unsecured
18 Creditors side and Barry Gold was now in place to
19 totally help seize the entire eToys public company and
20 bankruptcy estate as their own piggy bank; then the
21 racketeers set out to make sure plaintiff and his CLI
22 entity were destroyed.
23
24
25

26 Now if it seems that this is all redundant and - in
27 fact the reviewer "gets it" - then shouldn't there be a
28 summary judgment and/or directed verdict?

1 One MNAT Pathway to Becoming Romney/Bain Capital Counsel

2 Summa Corporation was formed as the holding arm for
3 Howard Hughes assets.
4

5 MNAT has posted upon its MNAT.com website, the fact
6 that the firm represented Howard Hughes aircraft from
7
8 1960 to 1980.

9 Franklin William ("Bill") Gay ran Summa Corp.

10 Bill Gay's brother-in-law is the purported dope
11 physician of Howard Hughes.
12

13 Bob Gay is Bill Gay's son.
14

15 It is a well-kept secret that MNAT switched sides
16 of the fence upon the demise of Howard Hughes and then
17 represented the Mormon Church's claim on the estate and
18 will of Howard Hughes.
19

20 Bob Gay was a managing director of Bain Capital for
21 Mitt Romney since inception, until 2005. Once plaintiff
22 had detailed the crimes, Bob Gay resigned and went to
23 Romney's competitor - the Huntsman Gay entity.
24
25

26 Colm Connolly was an MNAT Partner Who Became a Corrupt U.S. Attorney

27 Prior to 1999, Colm Connolly was the Assistant
28 United States Attorney in Delaware; who had previously

1 clerked for Third Circuit Senior Justice Walter K.
2 Stapleton.

3 Previously, Justice Stapleton was a MNAT partner.

4 In 1999, Colm Connolly became a partner of the MNAT
5 law firm and remained there until August 2001.
6

7 Greg Werkheiser is also a partner of MNAT, who did
8 clerk for Third Circuit Judge Jane R Roth.
9

10 Judge Kent A Jordan, who was on the eToys case and
11 actually warned MNAT, Traub and Barry Gold that they
12 were in peril during an October 16, 2006 telephonic
13 hearing. Then a whirlwind of events transpired.
14
15

16 District Court Judge Kent A Jordan also stated he
17 would give eToys shareholder Robert Alber more time to
18 write additional papers on the fraud.
19

20 Approximately 3 weeks later, Justice Kent A Jordan
21 was promoted to fill Justice Jane R Roth's vacancy.
22

23 The Third Circuit subsequently ruled in case 07-
24 2360, that the **Federal Rules of Appellate Procedure** don't apply to
25 the eToys "bankruptcy" case.
26

27 Appealed were issues of the fact that MNAT, TBF of
28 Traub's and Barry Gold confessed lying under oath, more

1 than thirty-three (33) times by false **Bankruptcy Rule**
2 **2014/2016 Affidavits** to the DE BK Ct; but the "Deal"aware
3
4 realm of federal justice says that's no big deal.

5 Conflict of interest crimes are paramount!

6 As per Bankruptcy Code **327 (a)**, any failure by an
7 attorney at law, who is approved by the court, who did
8 not disclose a "conflict of interest" ("Conflict");
9 must be disqualified from the case!
10

11
12 Ubiquitously adopted throughout the Circuits, is
13 the case of In re Middleton Arms that is affirmed by
14 the U.S. Supreme Courts and acknowledged by the 9th
15 Circuit, (*recently*) in its *Anwar* decision; which
16 certified the case of *In re Middleton Arms L.P.* 934
17 F.2d 723, 725 (6th Cir. 1991) "bankruptcy courts cannot use
18 equitable principles to disregard clear and unambiguous statutory language".
19
20
21

22 Enigmatically, the DE BK Ct and the Department of
23 Justice ("DOJ") in Delaware has refused to seek the
24 disqualification and/ or investigation/prosecution of
25 Barry Gold, MNAT and Traub's TBF firm (plus Traub's
26 local counsel Rosner).
27
28

1 This is, in part, due to the fact that US Attorney
2 Colm Connolly, for his entire seven (7) years as chief
3 federal prosecutor, declined to investigate and/or
4 arrest his former partners at MNAT and its clients.
5

6 **Public Corruption Task Force is Shut Down & Prosecutors Are Threatened**

7
8 Can this subject be mentioned to often? Plaintiff
9 didn't learn of Connolly's betrayal of the Public's
10 trust until 2007. Litigant then informed the **Public**
11 **Corruption Task Force** in Los Angeles of corruption with a
12 clocked/time stamped 18 U.S.C. § 3057(a) Complaint.
13
14

15 Subsequently, in March 2008, the Public Corruption
16 Task Force was **Shut Down** and **prosecutors threatened**. The only
17 media outlet to report this story was the Los Angeles
18 Times "Shake-up roils federal prosecutors".
19
20

21 Senator Feinstein sent an Official Letter to then
22 Acting U.S. Attorney General Mukasey; after the DOJ and
23 US Attorney gave the media a report that there were no
24 public corruption cases to prosecute and the dismantle
25 of the unit was to make the DOJ more efficient. Doing
26 so when THE largest corruption case was on their desk!
27
28

1 No response by the DOJ to Senator Feinstein has
2 ever been publicized.

3 Colm Connolly's issue alone, is deserving of its
4 own, separate, full-fledged federal investigation.
5

6 Just how many crimes and cover ups is enough to get
7 arrests? Or when is there TOO MUCH - that No Arrest BE!
8

9 **XI ISSUES OF MAYHEM AND HOMICIDES**

10 Referring back to the Lackner brother debacle that
11 is discussed above. In June of 2012, the Fed Receiver
12 (Douglas Kelley) of the Tom Petters Ponzi did state
13 that Paul Traub possessed considerable control of Tom
14 Petters Ponzi; and that Traub promoted Tom Petters as a
15 skilled business man.
16
17
18

19 Though Federal Receiver Douglas Kelley points out
20 the fact that Traub know and or willingly ignored the
21 frauds going on to get paid (at least) millions of
22 dollars in fees; Traub still hasn't been arrested.
23

24 Douglas Kelley also details the fact Paul Traub and
25 his Traub Bonacquist & Fox, LLP firm was a New York
26 based law firm specializing in bankruptcies and issues
27 of business reorganizations.
28

1 Doug Kelley doesn't mention this plaintiff by his
2 name; but the Federal Receiver just states that "There
3 [NY] Traub represented creditors in the eToys.com bankruptcy".
4

5 In 2005, his [Traub's] representation came under
6 scrutiny when the U.S. Trustee and another party
7 accused his law firm of a conflict of interest, non-
8 disclosure of certain business relationships, and other
9 misconduct. Then Fed Receiver Kelley points out how the
10 DE BK Ct stated that - in the future, the failures to
11 disclose "the serious conflicts" [of interest] present
12 in Traub's [eToys] case - would lead to more sanctions.
13
14

15 Federal Receiver Douglas Kelley then also mentions
16 more of eToys, how Traub became a partner and co-chair
17 of Marc Dreier's firm of Dreier LLP. Continuing with
18 details that Marc Dreier also turned into a fraudster
19 after becoming a partner with Paul Traub.
20
21

22 Tom Petters Receiver then details the fact that
23 Traub and Barry Gold were partners in Asset Disposition
24 Advisors ("ADA"). Then Mr. Kelley details the fact that
25 Traub ramped up his dealings with Petters in May 2005.
26
27
28

1 What is coincidental about that particular time is
2 the fact that Traub's TBF was purportedly being brought
3 to justice by the February 15, 2005 Disgorge Motion
4 that was then speciously made moot by the UST Stipulate
5 to Settle of February 24, 2005. When plaintiff dug for
6 the reason the Stipulation to Settle went on the record
7 stating the UST "*would not seek to compel TBF to make*
8 *any additional disclosures*", then the Kay Bee case \$100
9 Million in fraud was discovered and reported by this
10 plaintiff.
11
12
13
14

15 Instead of Traub being arrested and the crimes
16 being brought to a halt, UST Mark Kenney did the RICO's
17 job and asked that the DE BK Ct strike & expunge the
18 evidence of this plaintiff. One item stricken was the
19 affidavit of the eToys Creditors Chairman testimony
20 that Traub lied and deceived his client (Creditors).
21
22

23 Along with Federal Receiver Douglas Kelley's notes
24 of the eToys case (*In re eToys, Inc., 331 {Bkrtcy. D.
25 Del. 2005}) of the DE BK Ct warning Paul Traub would be
26 in trouble for failure to disclose "serious" conflicts
27 issues; a new contract was drawn in May 2005.
28

1 Speciously, this is after RICO Defendant Traub has
2 been protected by the DOJ's UST's office in Delaware;
3 and DOJ Deputy Director, Lawrence Friedman of EOUST,
4 did resign at the end of April 2005.
5

6 However (possibly to retaliate against plaintiff
7 for attending the Minnesota hearing of Douglas Kelley
8 "expunging" the MVRA and this litigant telling Federal
9 Receiver Douglas Kelley, outside the Minnesota Court
10 that plaintiff was going to kick Doug Kelley's arse for
11 doing the 'Second Fraud') - Federal Receiver Douglas
12 Kelley fails to mention the fact that Paul Traub and
13 Tom Petters were partners since 1999 ("PT Partners");
14 and that Fingerhut was never seized by Fed Receiver
15 Doug Kelley.
16

17 Plaintiff was informed by two parties of Paul Traub
18 flying into Minnesota just prior to the FBI raid of the
19 Petters Ponzi and re-arrange of Fingerhut ownerships as
20 a result of \$50 million cash infusion by Goldman Sachs
21 and Bain Capital. The parties doing the informing was
22 Marty Lackner's contingency and one other; but Marty
23 became a suicide and the other person left the country!
24
25
26
27
28

1 Why the other person ran to another nation, is the
2 fact that Marty Lackner's death was not going to be
3 reported by the main stream media; and Marty Lackner's
4 brother "J. Lackner" was the Minnesota Assistant U.S.
5 Attorney (former head of the Criminal Division) .
6

7
8 Where does on go when high ranking members of the
9 DOJ are involved & the person's brother winds up dead?
10

11 Johann Hamerski cajoled eToys equity holder Robert
12 Alber to give him ½ of his stock via a surreptitious
13 land deal trade in Kingman, Arizona.
14

15 Almost from inception of their meet Johann Hamerski
16 was a RICO henchmen out to destroy Robert Alber.
17

18 MNAT has sneakily being kept informed of litigation
19 by Johann Hamerski against Robert Alber (where Alber found a
20 stapled memo/letter from MNAT on the inside of Alber v Hamerski Arizona State
21 Court case folder) .
22

23 Clear and convincing of Johann Hamerski having
24 ulterior motivations, Johann traded the land to Alber
25 for eToys stock; but Hamerski never went into the DE BK
26 Ct proceedings to press his rights of recompense.
27
28

1 Hamerski Boasted of Jack Abramoff Partnership and Threatened Alber

2 Johann Hamerski boasted about his connections to
3 Jack Abramoff long before Jack was convicted & jailed.
4

5 Congressional archives detail the fact that Jack
6 Abramoff sought to improperly seize the Region 3 U.S.
7 Trustee's office for his own benefit; by handpicking a
8 person to guarantee Abramoff's law firm billings.
9

10 Robert Alber was offered a bribe by Johann Hamerski
11 and turned it down. Johann had reportedly told Alber
12 that "people like you who turn down bribes wake up dead".
13
14

15 When Jack Abramoff was released early from prison
16 in 2010, Johann Hamerski ramped up his assaults once
17 again upon Robert Alber; and then Alber was physically
18 attacked by career criminal Michael Sesseyoff.
19

20 Robert Alber, in self-defense, had to shoot and
21 kill Michael Sesseyoff in July 2010.
22

23 As if it is not enough that nervous breakdowns and
24 brain surgery occurred, Johann Hamerski *purportedly* has
25 kept in constant contact bugging Arizona officials to
26 get Robert Alber incarcerated.
27
28

1 Unfortunately, the scheme to destroy eToys equity
2 holder Robert Alber has succeeded. Robert has all but
3 given up and remains bed ridden 85% of the day.
4

5 One of the main reasons for Robert Alber's state of
6 being is the fact of betrayal of trust. Gary Ramsey was
7 an actual co-owner of a Kingman, Arizona home together
8 with Alber; but turned out to be a scheming cohort.
9

10 Alber's January 18, 2007 brief for the Delaware
11 District Court wound up being time-stamped on the 19th;
12 because Gary Ramsey said he couldn't find the place to
13 send out that response (though Ramsey had lived there
14 for many years).
15
16

17 When Jack Abramoff was released early from Prison,
18 Gary Ramsey, mysteriously walked out from the Kingman,
19 Arizona house he co-owned with Robert Alber and simply
20 vanished into thin air (destroying Ramsey's credit rating).
21
22

23 Then Alber was assaulted by Michael Sesseyoff!
24
25 **John "Jack" Wheeler Homicide is Enigmatic**

26 On New Years Eve 2010, John "Jack" Wheeler was found
27 dead in a Delaware dump due to blunt force trauma.
28

1 Harry A., a well-respected Delmarva business man
2 and lifelong friend of plaintiff (who also died prior to New
3 Years Eve 2010) was working to solve the crimes of Romney
4 and Colm Connolly.
5

6 Meetings were to be (hopefully) arranged with the 2
7 prominent "Jack"s in Delaware; before Harry A's demise.
8

9 But they never occurred and we will never know what
10 proofs Wheeler discovered (Jack's house was ransacked) .
11

12 Video evidence documents the fact that Jack Wheeler
13 walked into the Nemours Building in Wilmington, DE -
14 before he was found dead.
15

16 Coincidentally, Colm Connolly and the DE DOJ's US
17 Attorney's office is housed in the Nemours Building.
18

19 After plaintiff put out a blog seeking answers to
20 the untimely demise of Jack Wheeler, Colm Connolly then
21 comes out as the Wheeler's family counsel offering a
22 reward for the information to go to Colm Connolly.
23
24

25 Though Connolly no longer holds any official public
26 office, he acted as spokesperson for local authorities,
27 as Connolly stated that "we believe the killer has left the state".
28

1 If plaintiff had - (*instead*) - informed investigators
2 that Capone arranged for Nitti to become prosecutor and
3 that Nitti then corruptively buried all investigations
4 and/or arrests of Capone / "Bankruptcy Ring" gang; where
5 would the authorities first look for the murderer of
6 Jack Wheeler?
7
8

9 Although we may never know who made it occur, the
10 facts simply glare too much to cavalierly be ignored.
11

12 Plaintiff was emailed threats by his own counsel,
13 in the fall of 2004 - that if he didn't "back off" from
14 his pursuits, plaintiff/CLI wouldn't be compensated in
15 eToys, litigant's career would be destroyed; and much
16 worse would transpire.
17
18

19 Litigant then obtained another counsel (Michael
20 Weiss) instead of Henry Heiman.
21

22 In a short period of time, Michael Weiss began to
23 act strangely and changed the initial contingency style
24 retainer agreement, demanding a cash payment post
25 haste. When litigant called Michael Weiss to meet him
26 at his law firm and provide the monies requested - Mr.
27
28

1 Weiss speciously had security prevent this plaintiff
2 from entering the premises and giving the cash payment.

3 Michael Weiss put in his motion to withdraw as a
4 scheme was possibly initiated by Larry Reynolds (who
5 had sat a few feet away from litigant during the eToys
6 affairs); and was in part assisted by Gary Wetter.
7
8

9 In a life changing ordeal, on October 31, 2004
10 (plaintiff's birthday), his daughter was abducted.
11

12 Plaintiff was then warned, "People who chase ghosts – usually
13 become one".
14

15 Though this pursuer of justice did see the return
16 of his daughter (after having to go through ordeals such as waiting at a
17 Las Vegas hospital - to identify a matching person deceased); since then
18 said child has never fully recovered.
19

20 Due to the kidnapping, plaintiff has stayed away
21 from family and friends as much as possible; and has
22 never seen, nor held, his many grandchildren since.
23
24

25 The existence of crimes and facts are the truth and
26 presence of Crimes and Facts. Mountains of compounding
27 evidences piling on one another - still with no arrest!
28

1 Nationally known names should not deter justice
2 from doing the correct pursuit and halting of things!

3 What is most important here is the lack of any
4 federal authority who is willing to tackle the RICO!
5

6 **XII STATUTE OF LIMITATIONS ESCAPES SHOULD'T APPLY TO THIS RICO**

7
8 Regardless of how long ago such issues as the TLCo
9 deal transpired. Or, whether or not, any of the mayhem
10 and/or homicides issues result in a conviction of the
11 "*associated*" parties. The Racketeers should not be allowed
12 to escape the (purported) long arm of the law, due to
13 any Statute of Limitations ("SOL").
14
15

16 First of all the Kay Bee and eToys bankruptcy cases
17 **are still open**. The continuity of the crimes and the federal
18 venality remains an enigma to this very day.
19

20 Heretofore the racketeers had too much to hide and
21 hand perpetrated too many crimes to risk losing the
22 controlling venue of Delaware.
23

24 Therefore the RICO Defendants simply made sure the
25 original Kay Bee and eToys cases to remain open (hence
26 controlling the outcome via their *corrupt* RICO venue).
27
28

1 Defendants are obvious "culpable" parties who have
2 "corrupted" legitimate *interstate commerce* efforts by
3
4 "patterns" of "racketeering" over a protracted period
5 of time.

6 Additionally, the Defendants have enjoyed benefits
7
8 of their crimes success due - in part - to destruction
9 totally, of this plaintiff's career and business.

10 Even after Romney losing the election, MNAT, TBF
11 and Barry Gold demonstrate the continued strength and
12 power and undue influence of the RICO. Showing no signs
13 or cares about being held accountable for culpability.
14

15
16 In December 2012, Romney's stalwarts of Werkheiser,
17 Barry Gold and Frederick Rosner (Traub's TBF local
18 counsel in Delaware) once again continued to lie to the
19 DE BK Ct by stating there were no issues to look at.
20

21
22 **The contention that there's nothing else to address - is a bold face lie!**

23 Whereas, the DE BK Ct in its opinion of October 4,
24 2005, stipulated at the bottom of page 51 and start of
25 page 52 that; "in the future, however, the failure of an officer of a debtor
26 to disclose such relationships will subject that officer to review"
27
28 .

1 But who is to take the DE BK Ct authority at its
2 word about anything?

3
4 It's a fact that DE BK Ct read the UST **Disgorge Motion**
5 that testifies the parties were forewarned not to do
6 crimes that they went ahead and did anyway - secretly.
7

8 Additionally, this very serious violation of the
9 law was made extensively heinous and egregious as there
10 is also a confession by Traub's TBF firm that it KNEW
11 of the fact that it could get caught from the Bonus
12 Stores affidavit of ADA. And yet, TBF admitted in its
13 January 25, 2005 Response that the firm still made a
14 conscious decision to continue to allow the lie to the
15 DE BK Ct - to remain in place - thus perpetrating a
16 continuous Fraud on the Court.
17
18
19

20 There's NO greater sin for an attorney at law, than
21 that of betrayal of a client's trust; especially doing
22 so via Perjury directly at the court itself!
23

24 Traub's TBF firm was also of Revoked status; and
25 this fact was made a permanent part of the evidence
26 record per the permission of the DE BK Ct, during the
27 March 1, 2005 evidence hearing (eToys D.I. 2228).
28

1 During the same March 1, 2005 hearing, Paul Traub
2 was directly examined by the DE BK Ct, on the stand,
3 about issues of payments by TBF to Barry Gold.
4

5 Traub's admitted that TBF (the eToys DE BK Ct approved
6 Creditors' counsel) paid Barry Gold (the subsequent eToys "Debtor"
7 President/CEO) four (4) separate payments of \$30,000 each,
8 from January 2001 and ceasing in May 2001. Giving clear
9 and convincing proof, as a permanent part of the public
10 docket record, that Barry Gold was a paid personnel of
11 the TBF law firm.
12
13
14

15 These "payments" occurred immediately before Barry
16 Gold was then made to become the sole 100%, totally
17 autonomous, bankruptcy authority over eToys.
18

19 Whereas those payments to Barry Gold didn't cease
20 upon Traub's TBF firm illicitly inserting Mr. Gold
21 inside eToys as a post-bankruptcy petition President
22 and CEO of the Debtor. Instead, Traub's TBF firm was
23 relieved of burden of paying Barry Gold \$30,000. While
24 Barry Gold's Hiring Letter details the fact that he the
25 parties burdened eToys to pay \$40,000 at a time.
26
27
28

1 It simply goes against a preponderance of the Code
2 and Rules of Bankruptcy Law to have the Debtor and the
3 Creditor basically be one and the same person.
4

5 But that doesn't matter in this "Deal"aware federal
6 system of justice.
7

8 Nor does the DE BK Ct want to hear about any fraud
9 issues from a whistleblower (because the court has to get back to
10 the extremely important "Tweeter" workings) .
11

12 Even though there are Motions after Motions by both
13 this plaintiff and the eToys shareholder concerning the
14 fact that Barry Gold and Paul Traub were deposed on the
15 stand in October and November 2002; and that they did
16 lie and deny connections to each other. The DE BK Ct
17 (arguably the No. 1 bankruptcy court of large fee cases in the entire country) -
18 says it doesn't want to hear about it!
19
20
21

22 The DE BK Ct (a party who was - for a time - the
23 Chief Justice) stated it must 1st grant permission to a
24 whistleblower to inform the court that there are frauds
25 perpetrated directly upon the court. Apparently under the
26 absurd premise that if the RICO already stole CLI's money - plaintiff is now moot!
27
28

1 Even after some Defendants confessed lying under
2 oath; the DE BK Ct holds to the premise that they are
3 to be [FULLY] believed when they put forth a forgery
4 stating this tell-tale party altruistically tossed out
5 a year's pay (est. \$3.7 million) **with no quid pro quo!** It must
6 be a point that the *quid pro quo* is a victim is gifted to
7 be part of the greatest organized crime sprees.

11 Defendants seeking a permanent retaliation against
12 plaintiff as a victim/ witness and whistleblower, is
13 apparently no big deal to the DE BK Ct, as the Circuit
14 Court said complainant is a mere truck driver/security
15 guard disgruntled that he wasn't paid enough money.

18 Besides, the one and same Circuit Court has great
19 wisdom and has stated the that the **Federal Rules of Appellate**
20 **Procedure** do not apply to District Court bankruptcy
21 appeals (as stated on page 7 of the Third Circuit
22 Court's PER CURIAM Opinion of January 30, 2008 in case
23 07-2360). Of course, this doesn't mean anything really,
24 as eToys shareholder Alber is "*pro se*" and the opine of
25 the Circuit is **NOT [really] PRECEDENTIAL!**

1 Obviously they really don't want to hear about all
2 of this; because it's all too dang ugly.

3 Additionally, the DE BK Ct stated in its Opinion of
4 October 4, 2005 (eToys D.I. 2319), on page 51, that "No
5 rule existed at that time requiring an officer of the debtor to disclose any
6 relationship in a case".
7

8
9 It must be no consequence to the DE BK Ct that the
10 RICO Defendants all arranged that Barry Gold - DID, in fact
11 - apply to the DE BK Ct to be an approved party as the
12 Confirmed PLAN Administrator.
13
14

15 But hey, all that doesn't really matter because
16 Barry Gold testified in his Declaration, sworn to UNDER
17 PENALTY OF PERJURY - that the "Debtor" and "Creditors" of
18 eToys had "*extensive*" arm's length/good faith negotiations
19 of "their" eToys PLAN.
20
21

22 Problem is the confirmed plan is supposed to be a
23 *bona fide* effort of decent people negotiating what is
24 in the best interest of their court approved clients.
25

26 But the RICO Defendants really mean the Plan to
27 line the pockets of themselves & their secret clients!
28

1 Can the DE BK Ct in its great wisdom/ jurisprudence
2 - be bothered with any of that *who planned what stuff*.

3
4 The DE BK Ct must feel the Delaware District Court
5 **PRECEDENT** case of *In re First Merchants* and the appeals
6 decision of His Honor Farnan must have expired prior to
7 October 4, 2005. The First Merchants case details who
8 is a party required to apply per section **327(a)**, (see
9 *In re First Merchants Acceptance Corp.*, 1997 WL 873551
10 at *2, 3 (D. Del. Dec. 15, 1997). Evidently, this
11 Precedential case doesn't apply to DE BK Ct cases with
12 Romney/ Bain/ MNAT, Glazer/ Traub and/or Barry Gold.
13
14
15

16 It doesn't matter that the crimes of the RICO
17 Obstructing Justice continue to occur [assisting POTUS
18 hopes] in October 2012, and to this very day; including
19 insider dealings of massive proportions.
20
21

22 Nor does it matter that the Kay Bee Toys payment by
23 Michael Glazer of \$18 million to himself and Bain of
24 \$83 million before Glazer filed bankruptcy of Kay Bee
25 Toys; occurred by this one and same conflicted group.
26

27 MNAT represents Bain Capital in that matter; and
28 Traub's TBF firm actually had the unmitigated gall (while

1 simultaneously [purportedly] being punished for conflicts stunts in eToys) to
2 ask the DE BK Ct over the Kay Bee initial bankruptcy
3 case (DE Bankr. 04-10120); that TBF be the party to
4 prosecute Glazer and Bain Capital.
5

6 Arguably, if you grant the DE BK Ct presiding over
7 eToys, all the perverse logic in the world; it doesn't
8 give the federal police [UST] the same outflows.
9

10 Inexplicably and intolerably, the UST entity has
11 tossed the Law and its fiduciary duty away to protect
12 the integrity of the judicial process; and refuses to
13 do any good faith workings in the Kay Bee/ eToys cases.
14
15

16 These bad faith workings of the purported watchdogs
17 of the UST agency, in MN, DE and D.C., isn't limited to
18 FAO Schwartz, Kay Bee and eToys cases. Nor is it the
19 only time such willful blindness has transpired.
20
21

22 In a separate, but exactly on-point case specific,
23 a justice visiting to assist the DE BK Ct (**NON TWEETER**)
24 overload of cases, did accuse the Department of Justice
25 in Wilmington, Delaware, U.S. Trustee's office - of
26 aiding and abetting the Tersigni fraud for over a year!
27
28

1 In the Associated Press article of October 2007,
2 titled "Judge: Justice Dept. Silence Aided Fraud" Her Honor Judith
3 Fitzgerald noted that vast dollars was vanishing over
4 more than a year in the Tersigni saga; and that the
5 DOJ's UST's office failed to inform her about it.
6
7

8 Her Honor stated: "there was a fraud on this court, and the
9 Department of Justice participated" .
10

11 This was when check/balance of the issues was that
12 of the GC of the EOUST investigating (by trusted public
13 servant and expert on the matters - Roberta DeAngelis).
14

15 Justice Fitzgerald stipulated that "the Justice Dept. is
16 bound by ethical rules that require attorneys who suspect fraud in the court
17 proceedings, to call it to the attention of the presiding justice" .
18

19 Specifically, 18 U.S.C. & 3057(a) commands judges to
20 report crimes of trustees and/or justices; and the UST
21 is likewise commanded by 28 U.S.C. & 586(a)(3)(F).
22
23

24 Her Honor concluded apropos that "What on earth is going
25 on in the Department of Justice"? And that same question applies
26 to the instant cases hereof.
27
28

1 Traub's TBF firm and MNAT (as well as Xroads LLC)
2 were instructed against playing games with executives.

3 Specifically, in the eToys Disgorge Motion, D.I.
4 2195, of February 15, 2005, Assistant US Trustee Frank
5 Perch stipulated (in parts 19 and reiterated in closing
6 in part 35) that;
7
8

9 "In the context of TBF's experience, the multiple connections
10 between TBF and Gold, and the facts surrounding Gold's employment,
11 TBF's failure to disclose any of its three distinct connections with Gold is
12 difficult to understand as inadvertent rather than deliberate. TBF's partners
13 are experienced bankruptcy practitioners who have filed retention
14 applications in a number of cases in Delaware and other judicial districts.
15 They are not strangers to the court or the retention process, nor are the
16 strangers to the comprehensive and ongoing relationships analysis that any
17 professional must perform when it seeks to be employed by a trustee or
18 official committee in a bankruptcy case" .
19
20
21
22
23

24 Disgorge Motion Part 19 continues by accusation that:

25 "More significantly, TBF was specially aware in this matter, from
26 discussions with the Office of the United States Trustee, of the UST's
27
28

1 concern about replacing corporate officers with individuals related to any
2 of the retained professionals in the case” .

3
4 Then the UST’s Disgorge Motion cites the fact that
5 Traub’s TBF Objection of January 25, 2005, at part 10,
6 confessed this forewarning fact.
7

8 Without being cognizant of the one-hundred (100)
9 plus additional felony violations now known, the UST
10 Disgorge Motion also stipulated that;
11

12 “Finally, Gold’s employment by the Debtor was not something that
13 just happened without TBF’s involvement and caught them by surprise;
14 rather, TBF on behalf of the Committee recommended Gold to Debtor” .
15

16 Then, in part 35 of the *Disgorge Motion*, the one
17 decent public servant [Perch] (again – purportedly without the
18 evidences of the 100 other statutory violations) concluded that Traub’s
19 TBF actions were a perpetration of Fraud on the Court .
20
21

22 As is established in the Region 3 UST’s successful
23 efforts in the Third Circuit case of U.S. Trustee v
24 Price Waterhouse (3rd Cir. 93-3337) 19 F.3d 138 (1994)
25 that did certify the ubiquitous consensus of the
26 Circuits (affirmed by the U.S. Supreme Court) of the
27
28

1 case of *In re Middleton Arms, Ltd. Partnership*, 934 F.2d 723 (6th
2 Cir. 1991) - holding to the sound premise that;

3
4 *"bankruptcy courts cannot use equitable principles to disregard*
5 *unambiguous statutory language"*

6
7 In the Price Waterhouse case the UST successfully
8 sought to disqualify parties that obviously weren't
9 true "Disinterested Persons".

10
11 MNAT, Traub & Barry Gold have (secret) interests
12 all over the place. Especially in the Kay Bee and eToys
13 (as well as Goldman Sachs NY Supreme Court case, Petters Ponzi Fingerhut and
14 more) .

15
16
17 Ironically, as was recently successfully by the UST
18 in the DE BK Ct case of *In re Revstone Industries, LLC,*
19 *et al.*, (DE Bankr. 12-13262); the Region 3 UST (Roberta
20 DeAngelis) argued the long ago established case of *In*
21 *re First Merchants Acceptance Corp.*, 1997 WL 873551 at
22 *2, 3 (D. Del. Dec. 15, 1997). Whereas His Honor Dist.
23 Court Justice C.J. Farnan did establish the "qualitative"
24 and "quantitative" tests for evaluating whether an
25 entity/person is a "Professional" under 11 U.S.C. § 327(a).
26
27
28

1 Maybe it is a hopscotch thingy. Whereas Precedents
2 apply to cases of the DE BK Ct's choosing; but then
3 don't apply to another by a Price is Right gig!
4

5 It is also noteworthy that Region 3 UST Roberta
6 DeAngelis argued in the **Revstone** case about the issues
7 heretofore discussed. Ms. DeAngelis actually cited the
8 germane case of *In re Arkansas Co., Inc.*, 798 F.2d at 650.
9

10
11 That's the one and same case of *In re Arkansas* that
12 establishes the fact the Third Circuit and Congress are
13 well aware of "*Bankruptcy Rings*" of attorneys seizing
14 federal estates for themselves - nefariously.
15

16
17 As iterated in the UST's eToys Disgorge Motion, in
18 part 29, referencing of *In re Hazel Atlas Glass v*
19 *Hartford Empire Co.*, 322 U.S. 238, 64 S.Ct. 997 (1994),
20
21 it does state poignantly that;

22 "[T] ampering with the administration of justice in the manner
23
24 **indisputably show here [counsel fraudulently created evidence and**
25 **introduced it at trial] involves far more than an injury to a single litigant. It**
26 **is a wrong against the institutions set up to protect and safeguard the**
27 **public. Institutions in which fraud cannot complacently be tolerated**
28

1 consistently with the good order of society. Surely it cannot be that the
2 preservation of the integrity of the judicial process must always await upon
3 the diligence of litigants. **The public welfare demands that the agencies of**
4 **public justice be not so impotent that they must always be mute and**
5 **helpless victims of deception and fraud**". (emphasis added)
6
7

8 But that is what is transpiring here. Not only are
9 the DE BK Ct and other Delaware Valley federal courts
10 awaiting upon (some super diligence) of litigants; the
11 same courts are persistently preventing plaintiffs from
12 being "granted permission" to act diligently.
13
14

15 The *integrity of the judicial process* is moot as
16 the DE BK CT becomes impotent around the RICO!
17

18 Defendants will likely seek to have this case be
19 expunged due to claims of SOL; because they can't have
20 all these crimes be addressed openly. They are guilty
21 as sin. They can't even answer this Complaint!
22

23 But, the fact still remains crimes are transpiring!
24

25 Many violations, on multiple counts, multiple
26 times, in multiple venues occurred (each and every appeal in the
27 DE District Court, Third Circuit Court in Pennsylvania and NY Supreme court) .
28

1 Including vast conspiracies of **Grand Larceny, Bribery,**
2 **Collusion, False Oaths/Declarations, Adverse Interests of Officers,**
3
4 **Intimidation of Victim/Witness, Color of Law Civil Rights Violates,**
5 **Corruption, Mail/ Wire Frauds,** Obstruction, Retaliation and
6
7 **Schemes to Fix Fees** in violation of **18 U.S.C. § 155 Fee Fixing.**

8 All of these crimes are violations that are a part
9
10 of the RICO "**predicate act**" statutes under **18 U.S.C. § 1961!**

11 Furthermore, MNAT (Werkheiser MNAT's main schemer),
12
13 with Traub and Gold as Romney/Bain Capital stalwarts;
14 did arrange to reduce prices of the goods plaintiff/
15 CLI sold to Bain Capital/ Kay Bee.

16
17 MNAT, Traub and Barry Gold all being connected to
18 Bain (=Romney) that equals Kay Bee, equals Glazer =
19 Stage Stores/ Romney and Barry Gold, Paul Traub working
20 there at the same time that the eToys case goings on.
21 These are issues that have never - EVER - have been
22
23 addressed by the court. **Thus it is a bold face lie by MNAT to the DE BK**
24
25 **Ct that there's nothing new!**

26
27 This is Collusion to Defraud a bankruptcy estate to
28 protect conflicts of interest; and the Defendants did

1 so by supplication of (at least) 33 (thirty-three)
2 erroneous **Bankruptcy Rule 2014/ 2016** oaths.

3
4 Each and every time that any Defendant informed the
5 DE BK Ct that the eToys shareholders did not need a
6 counsel and/or Committee status (as permitted by the
7 Code); because they (MNAT, Traub/TBF and Barry Gold as
8 RICO co-conspirators) claimed that they were protecting
9 the interests of eToys shareholders. Thus there are so
10 many more crimes was being perpetrated.
11
12

13 When, all the time, it was a plan for MNAT, Traub
14 and Barry Gold to assure Goldman Sachs IPO fraud was
15 successful; and the eToys public company destroyed.
16
17

18 An issue made morose (as the *Disgorge Motion* points
19 out) because Barry Gold is (in essence) also an officer
20 of the public company of eToys (the stock is trading
21 today on off-price sheets for \$.02 per share).
22

23 Hence, Barry Gold had a fiduciary duty to the eToys
24 public company to make it whole; but the Defendants
25 nixed any good faith bids for the eToys.com entity that
26 had spent an estimated \$80 million in developing.
27
28

1 MNAT, Traub and Barry Gold currently working the
2 bankruptcy cases, sat in abject silence to protect the
3 RICO. They should be void from the case "*ab initio*";
4
5 because they are clearly bad faith parties who can
6 never be trusted to protect their client's interests.
7

8 Of the original eToys case, the DE BK Ct approved
9 CLI contracts that guaranteed legal fees.

10 Why is it that both CLI contracts **INDEMNIFY** CLI and
11 its officers, assigns, etc., from **willful misconduct/negligence**
12 (absence of the term "**gross**" is an actual CLI contract
13 detail); with the fact that the opposing parties have
14 already confessed to lying under oath 33 times.
15
16

17
18 **And, yet, not one counsel representing CLI – addressed these issues!**

19 You can't blame all subsequent attorneys at law for
20 saying no; because it is evident the law doesn't apply!
21

22 This complainant always had counsel from the eToys
23 case inception. The DE BK Ct 2 CLI Retention Orders did
24 command that CLI was to submit its paperwork for pay
25 processing - "**with the assistance of debtor's counsel**" [MNAT]; which
26 is arguably an obvious scheme form the outset.
27
28

1 It wasn't until after MNAT, Traub and Barry Gold
2 confessions were made an official part of the evidence
3 record during the March 1, 2005 evidence hearing; where
4
5 CLI counsel Brad Brook of Santa Monica, CA did then
6 withdraw and abandon plaintiff/CLI.
7

8 Doing so after Brad Brook made the common sense
9 remark, in rescheduling CLI's February 4, 2005 "Claims"
10 hearing for payment processing. Where Brad Brook said
11 the DE BK Ct isn't going to let those who confessed
12 lying under oath and doing intentional fraud - to be
13 able to write any more checks.
14
15

16 Brad Brook and his local counsel in Delaware (the
17 Bayard Firm) reschedule CLI's claim hearing until after
18 the March 1, 2005 evidence hearing.
19

20 Then, with all the evidences made a permanent part
21 of the public docket record. Including the January 25,
22 2005 Responses of MNAT, Barry Gold & Traub's TBF. Plus
23 the additional admittances during the Depositions of
24 February 9, 2005; and the testimony of the UST's in its
25 Disgorge Motion of the forewarning. With the DE BK Ct
26 dexamination of Traub confessing on the stand. Brad
27
28

1 Brook then decided (after purportedly making a trip off shore to discuss
2 **the settlement of the case**) that it would simply be easier to
3
4 abandon his client (plaintiff/CLI).

5 Though we could probably never compel Brad Brook to
6
7 divulge what he said in Aruba and/or Bermuda. A new and
8 different factual tidbit did arise - that's telltale.

9 Barry Gold worked with Bain issues and its cohort
10
11 firm Back Bay Capital.

12 In the Kay Bee initial bankruptcy case (04-10120)
13
14 that MNAT represents Bain of the \$83 million and Paul
15 Traub asked to be the one to prosecute Bain \$83 million
16 and Glazer's \$18 million preferential treatments (**most**
17
18 **likely fraudulent conveyances**). The one and same case that both
19 Traub and Barry Gold also double dipped by their ADA
20
21 entity. Back Bay Capital was also involved.

22 But Brad Brook never disclosed this tidbit to this
23
24 plaintiff. Mr. Brook actually blackmailed plaintiff
25 that Brook wouldn't return litigant's computer or files
26 unless a signature was placed upon a waiver of conflict
27
28 of interest issues (that didn't reveal Back Bay).

1 MNAT's failure to disclose links to Goldman Sachs
2 when eToys had major litigations issues against same;
3 was the defining moment of "corrupting" legitimate
4 interstate commerce of MNAT and eToys both.
5

6 Goldman Sachs and its counsel of Sullivan and
7 Cromwell were made well aware of the shenanigans.
8

9 As a matter of fact, Sullivan and Cromwell made
10 obvious efforts to assure the NY Supreme Court case of
11 eToys (ebcl) v Goldman Sachs would fail.
12

13 Though the litigation involved serious issues that
14 could set precedents devastating to Goldman Sachs, on
15 items of Securities, IPO fiduciary duties; Sullivan and
16 Cromwell chose to utilize an environmental attorney
17 named Jeremy Bates.
18

19 Unfortunately for Goldman Sachs and their law firms
20 (where we should always be cognizant of the fact that MNAT furtively nominated
21 Traub to prosecute Goldman Sachs); Jeremy Bates of Sullivan and
22 Cromwell (*initially*) turned out to be a real go getter
23 and went after the issues of Paul Traub and Barry Gold
24 diligently, for the client's sake.
25
26
27
28

1 It was Jeremy Bates (unaware of the great schemes)
2 who did ferret out the MNAT Destruction of eToys Books
3 & Record items.
4

5 Sad to say though, Sullivan and Cromwell relieved
6 Jeremy Bates of his job; and then something really
7 strange happened.
8

9 Paul Traub was well aware that the plot was to make
10 sure that Goldman Sachs never really suffered any loss;
11 so he arranged for co-counsels of the Pomerantz firm
12 and Wachtel & Masyr.
13

14 Mr. Elman was the counsel most active with the
15 placing of items in the NY Supreme Court case of eToys
16 v Goldman Sachs (# 601805/2002).
17
18

19 Now Howard Elman formed a new firm and Jeremy Bates
20 is Mr. Elman's partner.
21

22 Two good faith Justices' who warned Traub's firm
23 about not being kosher, were promoted off the case, one
24 in NY Supreme Court and the other in Fed District Ct.
25

26 Thereafter, the entire NY Supreme Court case of
27 eToys (ebc1) v Goldman Sachs was placed Under SEAL!
28

1 **Destruction of Evidence by MNAT**

2 MNAT worried of being discovered by plaintiff; and
3 of Goldman Sachs link being ferreted out. So MNAT, Paul
4 Traub and Barry Gold devised a scheme to permanently
5 assure the Obstruction of justice by **Destroying the Evidence!**
6
7

8 Plaintiff was never served with the Motion by MNAT
9 that asked the DE BK Ct for permission to **Destroy eToys**
10 **Books & Records** in the case. (eToys D.I. 300).
11

12 This effort in Obstruction of Justice was readily
13 achieved due to the fact that neither Barry Gold, nor
14 Traub's TBF and/or the US Trustee bothered to object.
15

16 With the Kay Bee and eToys bankruptcy cases still
17 open and Romney losing the POTUS election, Defendants
18 now have a conundrum of how to get away with all this.
19

20 Having done hundreds of crime acts already, the
21 Defendants figure they may as well continue (with the
22 hope that the Department of Justice will be too afraid
23 to reveal its own [DOJ] failure to perform). Thus MNAT,
24 Traub and Barry Gold announced that they are settling
25 the eToys (ebc1) litigation with Goldman Sachs.
26
27
28

1 Whereas hundreds of millions of dollars in fraud
2 and profuse acts of Perjury (many confessed) are now
3 being tossed aside, including the scheme of MNAT's
4 destroying of the evidences; so that Goldman Sachs can
5 settle the unfathomable crime spree for a mere \$7
6 million. And, since they are doing this openly, MNAT
7 and Barry Gold agreed to give Traub more stolen money.
8

9 Compounding all this is the Colm Connolly federal
10 corruption issues. The UST's office in Delaware and
11 roaming despot Roberta DeAngelis issues. Further made
12 morose by the Marty Lackner/J. Lackner issues; and the
13 Shut Down of the Public Corruption Task Force.
14

15 There are publicized reports out of NY Disciplinary
16 persons that Judges chambers were actually being tapped
17 and taped. While Judges are being promoted OFF the case
18 (when they did effort to do some justice).
19

20 Furthermore, District Court judges promoted off the
21 case and Magistrate judges doing what the law does not
22 permit them to do. Such as Magistrate justice's handle
23 of bankruptcy matters to make eToys shareholder Robert
24 Alber disappear; and the MN justices expunging the MVRA
25
26
27
28

1 - while giving Petters attorney turned federal receiver
2 over the Ponzi full "*judicial immunity*".

3
4 As is a precedent by the Hazel Atlas (*Supra*) case,
5 the standard is that there's NO statute of limitations
6 for fraud on the court, when such is perpetrated upon
7 the court by officers approved to practice before it.
8 And in this case, Traub admitted it was intentional.

9
10 Issues of statute of limitations are put forth as a
11 measure concerning lack of due diligence of a party.

12
13 No one can legitimately state that this litigant
14 has been remiss in his efforts to achieve justice.

15
16 Furthermore, given the plethora of breaches of
17 fiduciary duties by rogue (at least we hope they are) public
18 servants to do their job. Including the fact that the
19 Racketeers arranged for one of their own to be the head
20 federal prosecutor over the very jurisdiction of many
21 of these cases. Surely justice can't be "permanently" blind and barred in
22 such a case as this one!

23
24
25
26 Therefore, plaintiff would pray that the court
27 dismiss any incongruous banter that those who have
28

1 assaulted the Constitution of the United States so
2 profusely, shouldn't be allowed to snake an escape from
3 culpability/ accountability - **perversely**.
4

5 In the interest of justice, no matter how inept
6 this plaintiff is in pleading this case, the issues at
7 hand are so consequential to the good order of society
8 and the public's faith in the integrity of the judicial
9 process. Whereas it simply can't be allowed that the
10 Defendants can keep getting away totally 'Scot Free'.
11

12 Especially due to any incongruous arguments that
13 they have gotten away with it all thus far. They're
14 still getting away with openly doing crimes even now!
15

16 **XIII COMPLIANCE WITH FED.R.CIV.P 9(b)**

17 For a racketeering complaint to be successful in
18 alleging Mail and/or Wire Fraud, proof must be specific
19 and/or particular. It's required that one compliant
20 with **Fed.R.Civ.P 9(b)** (and plaintiff can readily do so).
21

22 As both a blessing and a curse, this instant case
23 has an evidence trail of both quality sublime and huge
24 quantity that plaintiff can readily comply with **9(b)**.
25
26
27
28

1 Whereas, Defendants have been breaking the law
2 openly (almost religiously) and continuously. Thus
3 there remains an evidence trail substantial and much of
4 it is time stamped in court records and fed archives.

6 Whereas, many of the times that the Defendants have
7 fractured the law with False Oaths/Declarations and/or
8 deceived the courts and/or the parties of interests,
9 including this plaintiff. The Defendants have done so
10 during formal proceedings.

13 Each mailed and/or wired and/or call, has specific
14 dates and times of filings, responses, telephonic so on
15 and so forth; of Defendants breaking laws [clocked].

17 This includes each and every time a Scheme to Fix
18 Fees violations occurred, where Defendants Barry Gold,
19 MNAT (many times Greg Werkheiser thereof) and/or Paul
20 Traub would submit erroneous bankruptcy Rule 2014/ 2016
21 Affidavits to the Court seeking payments.

24 Additionally, each and every time MNAT, Barry Gold,
25 Traub, Werkheiser and/or their associates and/or assign
26 parties put forth filings by mail and/or email to the
27 various parties of interest (such as Creditors who were
28

1 not duplicitous like the U.S. Post Office, landlords,
2 tax authorities, SEC, eToys shareholders and plaintiff)
3 such was particular and/or specific time that fraud by
4 Mail and/or Wire occurred.
5

6 Furthermore, each and every time that Defendants
7 were a part of benefiting from, direct and/or indirect,
8 of the ludicrous premise that plaintiff had "waived"
9 fees, compensations, commissions and/or expenses; this
10 was also Mail and/or Wire Fraud vis-à-vis Obstruction
11 of Justice and/or Retaliation of Victim/Witnesses.
12
13

14 This also includes crimes perpetrated of fraud
15 under oath, by mail, wire and email means documentable.
16

17 Additionally, this Complaint is armed with many
18 confessions that are already part of federal court
19 docket records. As such they are incontrovertible; even
20 though such admittances also have "omissions" issues.
21
22

23 Like the detail that MNAT/Werkheiser have admitted
24 to the MNAT's firm failure to disclose conflicts of
25 interest about GECC and Goldman Sachs; but MNAT and/or
26 other Defendants of this RICO do continue often to lie,
27 cheat, steal and gain much unjust enrichment in the
28

1 failures to disclose Mattel and/or links to Bain (which
2 also means MNAT/Werkheiser are connected to Barry Gold
3 and/or Paul Traub - who worked with Bain/Glazer).
4

5 In similar fashion, each time Barry Gold and/or
6 Traub and/or Traub's firms of TBF and/or Dreier LLP and
7 /or Epstein Becker and Green and/or self-professed
8 local counsel of Traub/TBF "Frederick Rosner" (who has
9 traveled around to a plethora of local firms in DE, in
10 an effort to "conflict" convolute the cases). Whereas
11 in each and/or every one singularly and/or collectively
12 that any Defendants did perpetrate a lie, cheat, steal
13 or deceit (failures to disclose) was Mail/Wire Fraud.
14
15

16 This includes, *but is not limited to*, each and all
17 separate and/or collective times that Defendant Johann
18 Hamerski went after eToys shareholder Robert Alber in
19 Kingman, AZ to intimidate and/or retaliated against
20 Robert Alber in measures/methods to obstruct justice
21 and legitimate pursuits of Robert Alber as an eToys
22 equity holder. Including those times the Defendants
23 objected in writing, emails and telephonic hearings to
24 make sure no equity committees were formulated.
25
26
27
28

1 Compounding these issues are specific dates/times
2 (all of which can readily be ferreted out during the
3 discovery process at trial), as the Defendants continue
4 to be [UNLAWFULLY] in their DE BK CT approved positions
5 as "officers of the courts" of various estates.
6

7 This specifically documents the when, where, who,
8 how, why of the DE BK Ct, the California Courts (during
9 such cases as that of eToys and Kilroy Reality, AOL
10 and/or Fingerhut litigations etc.,) and/or the Delaware
11 District Federal Court during appeals and/ or the Third
12 Circuit Court and/or the NY Supreme Court.
13
14
15

16 Whereas various RICO Defendants directly and/or
17 indirectly benefited from continuous lies, deceits,
18 False Oaths/Declarations and/or Affidavits, omissions,
19 under Penalty of Perjury for the pursuits of unjust
20 enrichment in those various courts.
21
22

23 Plaintiff alleges that each and every individual
24 RICO Defendants may claim that they were unaware of the
25 fact that Colm Connolly was a former partner of MNAT
26 and/or that Connolly was promoted to the position of
27 United States Attorney who concealed the fact that he
28

1 (thus his office as head federal prosecutor); but Colm
2 had the ties to "targets" of a investigations federal.

3 Also, the RICO Defendants are all benefiting direct
4 and/or indirect from the corruption and/or the Marc
5 Dreier frauds and/or the Tom Petters/Paul Traub Ponzi
6 schemes.
7
8

9 With the additional caveat that - though plaintiff
10 may never find any cash benefits or such kind that did
11 motivate the rogue federal agents of Roberta DeAngelis
12 and/or Mark Kenney to openly Breach their Fiduciary
13 Duty as public servants in this instant cases - the
14 fact of the matter remains that Defendants separately
15 and/or collectively have benefited from the failures of
16 the UST's personnel, as police, lying under oath, and/
17 or engaging in willful blindness for whatever benefit.
18
19
20
21

22 Including the possibility that discovery may need
23 to seek the off shore accounting in Bermuda and/or
24 Aruba tied to the stalwarts!
25

26 However, each and every time that a federal agent
27 and/or agency proffered a mail/email lie, it was timed!
28

1 Putting it all together above, including each and
2 every part as stated herein again, the Defendants have
3 benefited in illegal fashion, violating many State and/
4 or Federal Felony Statutes at **specific/ particular** days
5 and times that are readily documentable through the
6 various state and federal cases filings.
7

8
9 What has assisted the Racketeers to get away with
10 their schemes and artifices to defraud in multiple
11 decades, includes state and federal frauds assisted by
12 autocratic parties with veiled agendas in massive
13 billions of dollars of schemes, destruction of public
14 and private companies, shareholders, investors, parties
15 of interest, creditors, lenders, landlords, state and
16 federal tax authorities and/or more.
17

18
19 As such, once just one (JUST 1) single, honorable
20 public servant does their job and looks at mountains of
21 evidences in this case (including confessions by MNAT and Traub's
22 TBF of lying under oath more than 33 times) - then the "**untenable**"
23 house of cards stacked high will come crashing down
24 upon Defendants (who are benefiting of the throwing out plaintiff) !
25
26
27
28

1 Compliance with Fed.R.Civ.P 9(b) is readily done in
2 transcendent fashion - unquestionably!

3
4 **XIV CIVIL RIGHT OF PLAINTIFF TO PROCEED AS PRIVATE ATTORNEY GENERAL**

5 It is held by the Supreme Court of United States
6 ("US Sup Ct"), in *Sedima, S.P.R.L. v. Imrex Co., Inc.*,
7 473 U.S. 479 (1985) that an actionable RICO injury must
8 be caused by alleged specific "*predicate acts*".
9

10
11 Plaintiff alleges harms to his business as direct,
12 *proximate* results of specific violations of United States
13 Code ("USC") Title 18, Section 1961 (also known as {"a/k/a"}
14 "*predicate acts*" defilements).
15

16
17 Whereas the essence of a RICO claim is commission
18 of *predicate acts* within the conduct of an *enterprise*. (See
19 *Sedima Id.* at 497 "[a]ny recoverable damages occurring
20 by reason of a violation of Section 1962(c) will flow
21 from the commission of the *predicate acts*").
22

23
24 It's also a requisite of Law that a plaintiff needs
25 to document *proximate* harm as a result of racketeering
26 patterns from specifically named *predicate acts* violations,
27 to substantiate a claim of harm under 18 USC § 1962(c).
28

1 Whereas plaintiff alleges, and is able to provide
2 proof at trial that his business and other *interstate*
3 *commerce* was/is directly harmed by Defendants who are
4 *culpable parties*, engaging in *patterns of racketeering*
5 by *enterprising (Bankruptcy Ring)* crimes of State and/or
6 Federal 18 U.S.C. & 1961 (*predicate act*) felony violations.
7

8
9 Today, many civil RICO claims do not involve simple
10 "single" entity *enterprises* such as an individual, or a
11 "partnership" and/or "corporation."
12

13
14 Instead RICO claims often involve many *enterprises*
15 consisting of an "*association in fact*" of various individuals
16 and entities, often including some if not all of the
17 defendants (*whose roles may vary and/or abstain*).

18
19 In 1981, in the case of *United States v. Turkette*,
20 452 U.S. 576 the United States Supreme Court concluded
21 that the members of an "*association in fact*" enterprise must
22 associate together for a common purpose of engaging in
23 a particular "*course of conduct*".
24

25
26 In this case there's on visible enterprise that
27 Congress already named as a "*Bankruptcy Ring*".
28

1 Whereas it's possible, also even probable, that
2 there are various RICO groups/factions doing separate
3 schemes and artifices to defraud; and that they come
4 together as a hub via Defendant Romney's many quests.
5

6 It is not necessary that the Defendants have any
7 previous convictions (*Sedima*).
8

9 Continuity exists of the possible "closed" end
10 schemes (such as Romney's POTUS quest). Arguably, there is
11 also evidence that there continues to be efforts to
12 obtain high politico office by someone connected to
13 Romney. Such as Romney's wife, brother and more.
14
15

16 Of the various "open" end plots and ploys there are
17 issues beyond this "*Bankruptcy Ring*" (see 3rd Circuit case
18 of In re Arkansas 798 F.2d 645) - like Stage Stores,
19 Kay Bee, Polaroid, FAO Schwartz, eToys and more.
20
21

22 There are also examples of schemes & artifices to
23 defraud interstate commerce private & public companies
24 outside of the bankruptcy court. Such as 'The Learning
25 Company', Stage Stores, Toys R Us, Kay Bee, Burlington
26 Coat Factory, Sports Authority - just to name a few.
27
28

1 Additionally, there's no question of - whether or
2 not - law breaking has occurred.

3 Whereas Defendants MNAT, Barry Gold and Paul Traub
4 have already confessed to a surfeit of statutory
5 violations in eToys (though the bad faith parties cheekily claim such
6 were single aberrant acts of behavior) .
7

8
9 All of the above mentioned issues are compounded by
10 the fact that the scope & breadth of Romney's RICO does
11 include the ability to corrupt federal agents/agencies.
12

13 Whereas, Defendant Colm Connolly was a partner of
14 the MNAT law firm from 1999 to August 2001.
15

16 Reportedly, when plaintiff turned down a Bribe from
17 Defendants of cash, advance of career; reporting such
18 to the Department of Justice ("DOJ") in Delaware. Then
19 Romney (claims) to have "*retroactively*" retired as CEO of
20 Bain Capital in August 2001 - back to February 1999.
21

22 It is no minor coincidence that Defendant Romney is
23 claiming to have resigned his Bain Capital CEO position
24 during the organized crime spree eras of 1999 to August
25 2001; concurrent with Connolly's MNAT partner tenure.
26
27
28

1 On August 2, 2001, Defendant Colm Connolly was
2 nominated - and did become - the United States Attorney
3 in Wilmington, Delaware; who corrupted his office.
4

5 For his entire seven (7) years as head federal
6 prosecutor in Delaware, Colm Connolly malevolently did
7
8 keep his direct links to "*targets*" of a federal inquest.

9 While the above mentioned concerns are, in and of
10 themselves, enough happenstance to validate plaintiff's
11 contention that there are gaps in remedy. The fact of
12 the matter remains that the aforementioned dynamics are
13 just the tip of the proverbial iceberg.
14
15

16 The statistic that these issues are "*directly*" related
17 to each other demonstrates this case is extraordinary.
18

19 When a plaintiff can document the fact that there
20 "*Prosecutorial Gaps*" assisting *culpable* persons, *unjustly*
21 *enriching* themselves, by *enterprising* patterns of
22 *racketeering*. With the additional caveat that more than
23 one felony violation occurred over a protracted period
24 of time (and in this instant case there are a plethora
25 of crimes). Then, irrefutably, "*Prosecutorial Gaps*" exists.
26
27
28

1 Capone would never have been allowed to get away by
2 a perverse license and benefit from federal corruption
3 via having possession of his very own U.S. Attorney.
4

5 Nor would Capone be able to utilize a Colm Connolly
6 type plant to assault the Constitution of the United
7 States; and then be allowed to evade prosecution under
8 "retroactive" pretense or claim Statute of Limitations.
9

10 The purpose of Civil RICO is to utilize private
11 civil actions by citizens "to fill prosecutorial gaps" in the
12 unusual circumstances where law breaking is occurring;
13 but no prosecutor, state and/or federal, seems to have
14 any desire or ability to pursue the case.
15
16

17 This includes cases where federal authorities seek
18 civil fines and choose to forgo criminal prosecutions.
19

20 Congress did provide the RICO Act, with treble
21 damages incentive, for case exactly like this one, With
22 the Law being broken openly, due to corruption of the
23 process (*Sedima* 473 U.S. at 493, 105 S. Ct. at 3283).
24
25

26 The US Sup. Ct in *Sedima*, characterized Congress'
27 language as "self-consciously expansive"; accord *H.J. Inc. v.*
28

1 *Northwestern Bell Telephone Co.*, 492 U.S. 229, 249, 109
2 S. Ct. 2893, 2905 (1989) [that Legitimate businesses]
3 “enjoy neither an inherent incapacity for criminal activity nor immunity from its
4 consequences. The fact that § 1964(c) is used against respected businesses
5 allegedly engaged in a pattern of specifically identified criminal conduct is hardly a
6 sufficient reason for assuming that the provision is being misconstrued.”
7
8
9 *Sedima*, 473 U.S. at 499, 105 S. Ct. at 3286.

10
11 The Supreme Court has been unsympathetic to moans
12 that civil RICO has been used against “respected and
13 legitimate enterprises” rather than “mobsters and organized criminals.”
14 See *Sedima*, 473 U.S. at 499, 105 S. Ct. at 3286.

15
16
17 “RICO is an aggressive initiative to supplement old remedies and develop
18 new methods of fighting crime” *Sedima, S.P.R.L. v. Inrex Co.,*
19 *Inc.*, 105 S. Ct. 3275, 3286 (1985) (Justice White)
20 citing *Russello v. United States*, 464 U.S. 16, 26-29,
21 104 S. Ct. 296, 302-303 (1983).

22
23
24 RICO organization’s must have “some function wholly
25 unrelated to the racketeering activity.” *Chang v. Chen*, 80 F.3d
26 1293, 1299 (9th Cir. 1996) (citing *United States v.*
27 *Riccobene*, 709 F.2d 214, 222-223 (3d Cir. 1983)).
28

1 In this case Defendants Goldman Sachs, Bain, Traub,
2 MNAT/ Werkheiser/ Colm Connolly, Barry Gold, Glazer,
3 Romney and Johann Hamerski all had legitimate function.
4

5 However, those same parties, for the sake of unjust
6 enrichment, career advancements, political gains and/or
7 other veiled agendas, did corrupt their legitimate
8 efforts via patterns of racketeering enterprisingly.
9

10 It has held that "Congress wanted to reach both
11 'legitimate' and 'illegitimate' enterprises. "[T]he civil
12 sanctions provided under RICO are dramatic .. but .. such dramatic consequences
13 are necessary incidents of the deliberately broad swath Congress chose to cut in
14 order to reach the evil it sought ..." *Schacht v. Brown*, 711 F.2d
15 1343, 1353 (7th Cir. 1983), citing *U.S. v. Turkette*,
16 452 U.S. 576, 587, 101 S. Ct. 2524, 2531 (1981).
17
18
19
20

21 Whereas plaintiff alleges and assures the court
22 that it can readily provide evidence Defendants are
23 benefiting from RICO organized crimes.
24

25 The Defendants are *culpable* persons with continuous
26 *patterns* of "Racketeering", over many years, with many
27 schemes & artifices to defraud being readily apparent.
28

1 This instant case also has "*Prosecutorial Gaps*" that are
2 self-evident due to the betrayal of the public's trust
3
4 by former MNAT partner, Defendant Colm Connolly.

5 Additionally, Colm Connolly issues are not the only
6 visible hitches of "*Prosecutorial Gaps*"; as the federal DOJ's
7
8 Public Corruption Task Force was **SHUT DOWN** in March 2008 - **AFTER**
9 - being informed of the corruption by Colm Connolly.
10

11 Furthermore, in March 2008, the Los Angeles Times
12 reported in the story "**Shake roils federal prosecutors**" - that
13
14 federal agents were actually threatened to keep silent of
15 the reasons for dismantling. (Actually, this event did
16
17 initiate the first time - EVER - that the FBI did call
18 this litigant, about the issues at hand. Plaintiff
19
20 still has the phone numbers (including cell #s) and
21
22 dates, times and names of the FBI Special Agents).

23 This autocratic threatening of public servants is
24 intolerable! Unfortunately/fortunately, the wretched
25
26 acts despicable and inexplicable also blesses this
27
28 specific case with additional proof of the strength,
scope, depth and power of the RICO.

1 As affirmed per *Sedima*, when racketeering dynamics
2 are being compounded by "*Prosecutorial Gaps*"; a citizen
3 [plaintiff] may become a "*Private Attorney General*".
4

5 Including the recent issues of the DE BK Ct order
6 to expunge plaintiff permanently from pursuing justice
7 in that prior controlling realm of jurisdiction.
8

9 There's also another more recent bad faith DOJ
10 EOUST letter delivered by email to plaintiff December
11 18, 2013 (coincidentally the very same day that this court put forth an order
12 while stipulating the court had read the 1st Amended Complaint and preliminary
13 RICO Case Statement) .
14
15

16 The UST's letter claims there's no merits to the
17 case (though we're armed with confessions to crimes).
18

19 Any average high school student can grasp the fact
20 that there is merits to plaintiff's allegations of bad
21 faith dealings in these cases (even without being given
22 the "confessions" to lying under oath to a chief fed
23 justice and admittances that such fraud on the court by
24 the officers approved before it was deliberate).
25
26
27

28 **The crimes in this case are readily apparent as the nose on one's face!**

1 One would be extremely hard pressed to even imagine
2 a more quintessential poster-child type case worthy of
3 prosecution for conflicts of interest and racketeering.
4

5 This court is burdened with excruciating decisions
6 that it must make of getting involved in dynamics of
7 another realm of jurisdiction.
8

9 However, it is not this plaintiff's fault that the
10 Defendants are being placed on pedestals "Above the Law"
11 in the other (prior) venues.
12

13 Such is due to the fact that the prior *controlling*
14 venues, federal agents and federal agencies heretofore
15 (apparently) find the Code & Rule of Law to be dispensable
16 for federal "targets" such as the Defendants herein.
17
18

19 Whereas, Defendants Barry Gold, Paul Traub and MNAT
20 have already confessed lying under oath to a federal
21 justice. Doing so more than thirty-three (33) times.
22

23 Enigmatically, "that" court said (in a 2005 opine)
24 that it was "too late" to remove the MNAT law firm.
25

26 Additionally, the United States Trustee testified
27 in a February 2005 "UNITED STATES TRUSTEE'S MOTION FOR ENTRY OF
28

1 ORDER DIRECTING DISGORGEMENT OF FEES PAID TO TRAUB BONACQUIST &
2 FOX LLP FOR SERVICES RENDERED AS COUNSEL TO OFFICIAL COMMITTEE OF
3 UNSECURED CREDITORS"-that Paul Traub's law firm confessed
4 to "deliberately" perpetrating a fraud on the court.
5

6 That prior realm simply, utterly, ignored the
7 paramount issues of premeditated plans of contempt of
8 the *integrity of the judicial process*; and the assaults
9 (immense) upon the Constitution of the United States.
10

11 Bankruptcy justices aren't empowered as Article III
12 realms, to adjudicate upon merits of criminality!
13

14 The question that begs is - Why? What is the motive
15 of federal agents, agencies and judges to be so openly
16 blatant and flagrantly inept in the application of Law?
17

18 With the answer being an unequivocal inference,
19 obviously, that Goldman Sachs, Bain Capital & Mitt
20 Romney, are THE most powerful persons/entities on the
21 planet and KNOW they have DOJ "Get out of jail Free Cards".
22

23 This is not only an inexplicable and intolerable
24 state of affairs; it is clearly an act of CIVIL WAR!
25

26 As has been long established, by the United States
27 Supreme Court in its decision of COOPER v AARON 358, US
28

1 (1958) pages 18 - parts 9 & 10 - that; "No state legislator
2 or executive or judicial officer can war against the Constitution; without violating
3 his solemn oath to support it" (P. 19 *10).
4

5 How can it be that no one seems to care about the
6 Code & Rule of Law; and that the Constitution of the
7 United States is being assaulted openly?
8

9 Why is Laser the Liquidator the only one who cares?
10

11 Aren't there any decent and honorable servants of
12 the public who upkeep their oaths of office?
13

14 Is it a fact, *inexorable*, that Goldman Sachs, Bain
15 Capital and Mitt Romney are abnormally "untouchable"?
16

17 We may never know why G-d almighty chose a lowly
18 amoeba such as this plaintiff to battle hordes of
19 contemptible Goliaths; but this pursuer of justice will
20 always battle until death do us part or remedy comes!
21

22 Plaintiff is encouraged by the fact that this good
23 court has not yet been subjected to the powers elite.
24

25 Her Honor Colleen McMahon of the Southern District
26 of New York ("SDNY") recently made remarks, apropos to
27 this instant case, in Her Honor's decision of the Host
28

1 Hotels opinion/order on October 31, 2013. It is almost
2 as if Her Honor McMahon were presiding over this case.

3
4 Whereas Her Honor Colleen McMahon punished the
5 Boies, Schiller and Flexner law firm for a serious
6 conflict of interest in SDNY case 1:13-cv-291 (D.I. 99
7 thereof); as Her Honor stated of the Host Hotels case
8 an "on-point" that "A clearer conflict of interest cannot be imagined. A
9 first year law student on day one of an ethics course should be able to spot it" .
10
11

12 Obviously, Her Honor has yet to hear about the vast
13 conflicts of interest in these cases.
14

15 Lies under oath is "Lying Under Oath" (remarks of
16 the 11th Circuit court in the case of Walker v Walden).
17

18 As iterated in the eToys bankruptcy case (DE Bankr
19 01-706 {2001}), by the Delaware Bankruptcy Court's
20 "*Opinion*" of October 4, 2005 - it is wrong to reward
21 conflicted attorneys and punish a plaintiff.
22

23 In its *Opinion*, the Delaware Bankruptcy Court did
24 reference the US Sup Ct case of *In re Hazel Atlas*.
25

26 Also referencing *Hazel-Atlas Glass Co. v. Hartford*
27 *Empire Co.*, - is the aforementioned U.S. Trustee's
28

1 Motion to Disgorge Paul Traub's firm for \$1.6 million;
2 and the detailed remarks about Hazel Atlas.

3 Whereas, the U.S. Trustee remarks of *Hazel-Atlas* at
4
5 322 U.S. 238, 64. S.Ct. 997 (1944), in "Disgorge Motion"
6 part 29 - that;

7
8 "[T] *ampering with the administration of justice in the manner*
9 *indisputably shown here [counsel fraudulently created evidence and*
10 *introduced it at trail] involves far more than an injury to a single litigant.*

11
12
13
14 *It is a wrong against the institutions set up to protect and safeguard*
15 *the public, institutions in which fraud cannot complacently be tolerated*
16 *consistently with the good order of society" .*

17
18
19
20 The U.S. Trustee Traub Bonacquist & Fox ("TBF")
21 does then continue on point of this instant case, with
22 reiteration of the Supreme Court of *Hazel-Atlas* that;

23
24 "*Surely it cannot be that preservation of the integrity of the judicial*
25 *process must always await upon the diligence of litigants. The public*
26 *welfare demands that the agencies of public justice be not so impotent that*
27 *they must always be mute and helpless victims of deception and fraud" .*
28

1 In the Host Hotels case Her Honor Colleen McMahon
2 further concluded (as if specifically written for this
3 case) that the Conflict issues were straightforwardly
4 apparent, with the remarking: "This is not ethical rocket science"!
5

6 Plaintiff is merely a victim of an extremely urbane
7 Racketeering enterprise that benefited a POTUS wannabe.
8

9 Litigant is not after the politico Romney; but this
10 case is about "boss" Romney who boasted that receiving
11 millions of dollars each year from Bain Capital while
12 benefiting from organized crimes - openly.
13
14

15 It is already public knowledge that Romney had his
16 Olympic records and Massachusetts Governor Computer
17 hard drives destroyed. Akin to MNAT abolishing its
18 eToys client books & records (remains a perplexity) .
19
20

21 It is a given that the Racketeers now realize that
22 their belief that "all" records of Romney as CEO of Bain
23 Capital in 2001 were destroyed - is wrong. Thus it is
24 logical their efforts of destruction are now upped.
25

26 Be that as it may, this is a "Civil RICO" case, and
27 as such, plaintiff is only required to provide evidence
28

1 that Romney "*indirectly*" benefited to the standard of proof
2 of the "preponderance of the evidence".
3

4 As it is that Romney bragged (**often**) of his getting
5 millions of dollars each year from Bain Capital; hence
6 it is only necessary that litigant provide good proof
7 that Bain Capital benefited from fraud.
8

9 Not only is the eToys courts punishing plaintiff
10 and rewarding conflicted attorneys (**who have confessed to part**
11 **of their crimes already**) the DE BK Ct and the clerk of court
12 became duplicitous in the efforts to cover it all up at
13 direct material adverse harm to the federal election
14 process.
15
16
17

18 Whereas, the Delaware Bankruptcy Court and Clerk
19 thereof unethically withheld complainant's Motion of
20 October 24, 2012 - naming Romney - from being inserted
21 into the PACER online records. Doing so in an apparent
22 clear effort to protect Romney's POTUS quest. Possibly
23 due to the issues of mayhem and homicides therein!
24
25

26 Whereas plaintiff's Motion was (finally) docketed
27 (speciously) on Election day November 6, 2012.
28

1 Subsequently, "that" court did continue to violate
2 plaintiff's Civil Rights. An order now stands in the
3 record commanding the Clerk to permanently bar this
4 litigant's redress of grievances.

6 If new law students were asked to get intoxicated
7 and make up stuff, they couldn't make a better poster-
8 child case of Racketeering victims entitled to become a
9 "Private Attorney General" to address vast, unconscionable,
10 inexplicable and also intolerable "Prosecutorial Gaps".

13 In this instant case our nation came too dang close
14 to electing a RICO boss as POTUS; doing so by his gang
15 openly breaking the law, benefiting from corruption.

17 The evidence speaks for itself arising from public
18 records that are profuse, overwhelming and irrefutable!

20 The Delaware bankruptcy court disregarded the Law
21 mandating the disqualification of the transgressors.

23 It also defies Precedents such as the US Sup Ct
24 cases of *In re Brady* and *In re Giglio*. Whereas, once an
25 officer of the court admits to having lied under oath,
26 then all further testimony is not worth a salt's grain.
27
28

1 Willful blindness to the rackets spawned other
2 crime spree tentacles. Whereas Paul Traub also became
3 partners of fraudster Marc Dreier (doing 20 years) and
4 was named (June 2012) as the "*controller*" of Petters Ponzi.
5

6 However, that case too, of Paul Traub/ Tom Petters
7 is wretched. Whereas there are several issues of mayhem
8 and homicides directly linked to that and this case.
9

10 Just a few months prior to the FBI raid of Tom
11 Petters and his many companies acquired by fraudulent
12 monies, including Sun Country Airlines, Polaroid and
13 Fingerhut - were tampered with by Paul Traub.
14
15

16 Upon the success of Polaroid scheme, Traub moved in
17 as Polaroid co-principal owner with Gordon Brothers.
18

19 One tidbit is the fact that Ed Land, the original
20 founder of Polaroid, just so happens to be the seed
21 money man for Gordon Brothers liquidations.
22

23 Tom Petters Ponzi was connected to other national
24 fraud schemes such as Lancelot in Illinois, Palm Beach
25 Links ("PBL") Capital in Texas and Palm Beach Florida.
26

27 There's also the issues of Frank Vennes, Jim Fry,
28 Bruce Prevost and David Harrold.

1 One of the unaddressed issues of federal fraud, is
2 that of fact that Steve Cammack was co-owner/founder of
3 PBL, with the help of millionaire Bill Cawley.
4

5 Whereas, purportedly, Bill Cawley inserted into PBL
6 \$50 million, as Bruce Prevost and David Harrold went to
7 Frank Vennes's house to specifically set up the PBL
8 entity as a feeder fund into Tom Petters Ponzi.
9

10 Plaintiff forwarded this tip on PBL that was
11 received through litigant's Petters-Fraud dot com
12 website. Whereas, Bill Cawley supposedly deposited \$50
13 million with Steve Cammack/PBL; but (in return) Bill
14 Cawley was "loaned" back \$52 million. Also, Mr. Cawley
15 purportedly took manager fees from the PBL fund.
16
17
18

19 Compounding those issues further, as if to go full
20 circle, is the fact that Steve Cammack came from the
21 Finova entity.
22

23 Plaintiff's Smoking Gun evidence that did force
24 MNAT to confess the Goldman Sachs deception, was a
25 result of a PACER typo.
26

27 Whereas eToys case is 01-706 and Finova is 01-705.
28

1 There's additional crime sprees and RICO adaptation
2 issues such as "*judicial immunity*" being unethically and
3
4 illegally handed out like candy **Get out of Jail Cards**.

5 Whereas, Douglas Kelley's law firm of Kelley Wolter
6 was - initially - Tom Petters attorney.
7

8 When Polaroid lender Thane Ritchie's Capital Co.,
9 was granted a federal receiver (Billy Procida) for the
10 Tom Petters case; Doug Kelley terminated the effort.
11

12 Bizarrely, akin to MNAT switching sides to handle
13 the Church's claim upon Howard Hughes will, Doug Kelley
14 became the Federal Receiver over the Tom Petters Ponzi
15 case and also bankruptcy trustee defying all logic.
16

17
18 Can Capone's man Frank Nitti be appointed as the
19 federal receiver over Capone's federal seized assets?
20

21 It is absurd that one has to even ask the question!

22 With the Racketeers knowing this move was way over
23 the top in violation of the Code/Rule of Law, unethical
24 and defiant of all logic/common sense; the RICO adapted
25 once again. Whereas the "*profiteer*" Douglas Kelley was
26 provided a legislation from the bench of "*judicial immunity*"
27
28

1 to protect him in his unseemliness. This preposterous
2 juxtapose of the Law was necessary; because plaintiff
3 had been after Traub/ Tom Petters issues for years.
4

5 Additionally, the Racketeers were aware that this
6 litigant had "caught" them previously, due to their
7 lies under oath. By the "*judicial immunity*" Douglas Kelley
8 perversion (which grows worse and worse as the evidence
9 at trial will detail); the bad faith parties could
10 simply break the law in the open.
11

12 Judicial Immunity is - as "retroactively" efforts does, and
13 the Racketeers simply doesn't care who sees what!
14

15 UCLA Law Professor Lynn LoPucki wrote a book about
16 Bankruptcy Court Corruption titled "**Courting Failure**" How
17 Competition for Big Bankruptcy Cases is Corrupting the
18 Bankruptcy Courts. (Noting much of the DE BK Ct).
19

20 Senator John Cornyn quoted Professor LoPucki's
21 remarks in his Legal Times article "**They Owe Us**".
22

23 Whereas the Texas Senator John Cornyn noted that,
24 in essence, picking a venue for a case is akin to hand-
25 picking a verdict.
26
27
28

1 A visiting justice (Judge Judith Fitzgerald) did
2 point out that the UST's office was duplicitous in
3 hiding millions of dollars of Tersigni fraud from the
4 court.
5

6 Whereas Her Honor remarked and was quoted by the
7 Press stating "What is going on with the United States Trustee"?
8

9 A former UST Trial attorney in upstate New York -
10 Mary F Powers, testified during 2007 Hearings before
11 Congress, on how EOUST Director Lawrence Friedman tried
12 to have her fabricate cases against mom & pop parties;
13 just to make it look like the UST's office was doing
14 its job. Mary Powers is a counter-part to that of Mark
15 Kenney in Delaware. She testified to Congress that the
16 EOUST's office was working as an integrity impediment.
17
18
19

20 His Honor Thomas Tucker in Michigan was pressured
21 to go soft in the case of Matrix Technology Group; and
22 choose, instead, to Re-Publish his decision on the
23 finding that Fraud on the Court occurred.
24
25

26 Whereas His Honor Thomas Tucker, in the case of
27 M.T.G. stipulated "**FOR PUBLICATION**" that it is the Duty
28

1 of the court's to address issues of fraud on the court. Else,
2 the bad faith (Fraud) is encouraged to endure & grow!

3
4 Additionally, at the same Congressional Hearing
5 attended by former UST Mary Powers, there was also the
6 esteemed bankruptcy justice A. Jay Cristol of Florida.

7
8 His Honor A. Jay Cristol is a veteran of decades as
9 senior justice, Professor of Law and Judge Emeritus who
10 testified to Congress that the UST's office was Rin Tin
11 Tin in large Chapter 11 cases; and a pack of wolves in
12 the smaller Chapter 7 & 13.

13
14 Then His Honor A. Jay Cristol admonished the acts
15 of former EOUST Lawrence Friedman and current EOUST
16 Director Clifford White III.

17
18 Plaintiff can say, as a victim, what decorum and
19 thinking by His Honor A. Jay Cristol would not be so
20 cold as to say. That there are rotten apples in the
21 federal bankruptcy system of justice; and the house
22 needs to be cleansed.

23
24 Plaintiff hopes & prays that this good court sees
25 the fact that the "good ole boys" network has gotten
26 way too far out of control; and that remedy needs be.

1 As is established upon the PACER; this RICO
2 Complaint is assigned the case number of 2:13-cv-7738.

3
4 Whereas the moving party (in this instant case a
5 "*pro se*" person who did not graduate High School and had
6 less than stellar grades regarding "English" classes
7 {especially of sentence structures}); is possibly also
8 required, and/or will be ordered, to make a reasonable
9 effort to comply by **Rule 11** of the Federal Rules of
10 Civil Procedure ("Fed.R.Civ.P"), for clarity's sake.
11

12
13 As plaintiff understands, **Rule 11 (a)** commands that a
14 party sign all pleadings; and this litigant has done
15 so, with dates alongside his signatures. WHEREAS this
16 litigant also signs such - **Under Penalty of Perjury** -
17 in a desire to document severity and sincerety.
18
19

20
21 Additionally, as per **Rule 11 (b)** "Representations to
22 the Court" the moving party is required to "Certify"
23 for the presiding that the Petitioner has "formed the
24 Complaint - AFTER - an inquiry reasonable".
25

26
27 WHEREAS plaintiff asserts/affirms litigant has been
28 "*reasonably*" inquiring for the facts for many years!

1 Furthermore, **Rule 11(b)(1)** requires that the [RICO] case
2 being presented is done so, in good faith.

3 WHEREAS this plaintiff asserts/affirms that this
4 instant case is of just cause and that litigant has
5 been seeking expedient justice for more than a decade!
6

7 Of **Rule 11(b)(2)** a Complaint is to be of proper legal
8 claims, defenses. Of this issues - IN FACT - plaintiff
9 has been nonstop seeking to establish existing law.
10

11 Litigant is seeking to arrest arbitrary/capricious
12 abuses of the judicial process and many "**Color of Law**"
13 Frauds upon the Courts *vis-à-vis* **Officers of the Court!**
14

15 Furthermore, per **Fed.R.Civ.P 11(b)(3)** this Complaint has
16 "*factual*" contentions "*evidentiary supported*" that is
17 chiefly corroborated by unassailable PACER docket items
18 and undeniable Federal Archives. The proof is already
19 in the record; a reviewer simply needs to look at it.
20

21 Finally, concerning **Fed.R.Civ.P 11(b)(4)** - all denials of
22 this allegations hereof by rulings of prior venues,
23 courts, justices and/or federal agents/ agencies were
24 Unreasonable and - IN FACT - lacked jurisprudence!
25
26
27
28

1 As per the anticipated issue of the standing Court
2 Order concerning the RICO *Case Statement*, [plaintiff's]
3 shall use the caption(s) numbers and letters as
4 specified by the court.
5

6 And (I assume) that this means once the Defendants
7 respond (assuming the Defendants simply don't just jump up and finally
8 confess to everything); then the RICO Case Statement must be
9 provided within 20 days of those "Responses".
10
11

12 Litigants are required to state in detail and with
13 specificity the required information.
14

15 WHEREAS, this plaintiff understands this to mean
16 that the court seeks for Complainant to lay out his
17 "entire" case against ALL known RICO "Defendants" and
18 ALL know RICO co-conspirators.
19

20 Plaintiff is more than ready/willing and able to
21 lay out the entire case; having desired his day in
22 court for more than a decade now; and has been candid
23 with this court about all, plus "pro se" inadequacies.
24
25

26 Plaintiff prays this court has patience with him
27 and his lack of formal education, if, but for no other
28

1 reason, the issues of materially adversity great,
2 mayhem, federal venality and homicides hereof.

3 Whereas, the issues presented are consequential of
4 high magnitude that shouldn't be cavalierly ignored.

5 Litigant, apologizes in advance to the court for
6 the profuse, burdensome and even intrusive upon other
7 venue issues that this case is about to present to His
8 Honor.

9 Plaintiff believes the FACTS are worth the court's
10 time; and prays this court concurs.

11 Whereas, this case has issues vast, of national
12 important and significant issues, as pertains to the
13 civil needs of maintaining a good order of society.

14 Racketeering, even of the rich, can't be allowed!

15 Plaintiff, again, does stipulates the information
16 herein is affirmed as true - **Under Penalty of Perjury!**

17 Litigant again apologizes to the court for the many
18 inadequacies; and prays that the court see the facts
19 and evidences are all - chiefly - public docket records
20 or/and federal archives undeniable.

1 It is not this plaintiff's fault that everyone who
2 swore an oath to treat rich and poor equally and/or to
3 defend the Constitution of the United States from all
4 enemies foreign and DOMESTIC; have either chosen to be
5 willfully blind, tuck tail and run - and/or - join the
6 bad faith Racketeers via acts duplicitous.
7
8

9 As it is patently obvious that the proverbial "FIX"
10 for the "good ole boys" club - is definitely "IN".
11

12 Romney and his RICO Gang, with Paul Traub as one of
13 his Nitti's; went all in to place a RICO boss in the
14 White House. By G-d's grace - Romney Didn't Make It!
15

16 Whereas, I, Steven Haas, (more commonly known as
17 "Laser") does state that the above mentioned issues are
18 true and correct; and that plaintiff is simply seeking
19 the court to adjudicate upon the merits.
20

21 Litigant pray the court instruct him as a "pro se"
22 party, if there is anything overlooked; and that the
23 court agrees about the significance and importance of
24 the issues at hand.
25
26

27 Plaintiff prays this court agrees that there is
28 enough RICO evidence to be recognized as *prima facie*!

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XVII CLAIMS FOR RELIEF

First Claim for Relief - COUNT I

(Violations of the RICO Act 18 USC § 1962(c))

(Against ALL RICO Defendants)

Plaintiff realleges and incorporates herein by reference, every and each foregoing paragraph of this "2nd Amended" Civil RICO Complaint, as if all above is set forth here fully and completely.

During all relevant times pertaining to this case, plaintiff is a person within the meaning of 18 U.S.C. §§ 1961(3) and 1962(c).

At all times relevant, each/every RICO Defendant, including John/Jane Doe's to be named later, are a person within the meaning of 18 U.S.C. §§ 1961(3) & 1962(c).

Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various types of "*Federal Corruption*" (including Civil Rights Fed venality by "*Color of Law*") are "association in fact" units "enterprisingly" harming interest commerce.

1 Romney and his co-Defendants are employed and/or
2 "*associated*" with the "*enterprise*" that is harming, for many
3
4 years, "*interstate commerce*", with Defendants being the
5 "*culpable*" persons who are doing "*patterns*" of organized
6
7 crimes; which are visibly and secretly in violation of
8
9 multiple state and federal laws, with at least 1 year
10
11 of prison time, including "*predicate acts*" "*patterns*" of
12
13 "*racketeering*".

14 Romney and his co-Defendants abused legitimate
15
16 positions, entities and victims and have harmed this
17
18 plaintiff's business.

19 Specifically, Defendants have separately and/or
20
21 collectively, lied, cheated, stole, schemed, extorted,
22
23 perjured, corrupted, colluded, retaliated, bribed, did
24
25 benefit from federal corruption, of state and federal
26
27 frauds, bankruptcy fraud and/or other wrongdoings for
28
the sake of unjust enrichment; and harmed plaintiff's
business, property and other victims - as Defendants
continue to benefit lying, cheating and stealing by
criminal designs that obtain fraudulent judgments.

1 Through these actions in such instances as TLCo,
2 Kay Bee, Stage Stores, FAO Schwartz, eToys.com and/or
3 more, while prosecuting each other in sham fashion and/
4 or prosecuting victims (such as eToys shareholder
5 Robert Alber and this plaintiff/his business [including
6 CLI]), Defendants have unjustly benefited.
7
8

9 Romney's Gang of co-Defendants and co-conspirators
10 have succeeded (thus far) through lies under oath in
11 multiple jurisdictions state and federal, fraudulent
12 conveyances, manufacturing erroneous evidence, scheming
13 to fix federal case fees, tampering with proofs, giving
14 misleading statements to state and federal courts, the
15 public, utilizing U.S. Government authority positions,
16 including arranging for one of their (Colm Connolly) to
17 become the Delaware United States Attorney as a corrupt
18 federal prosecutor over the cases, intentionally using
19 venal persons currently within and/or formerly from
20 positions of public trust to further the RICO. Such as
21 Colm Connolly, Douglas Kelley, J. Lackner, Roberta
22 DeAngelis, Judge Mary F Walrath, Mark Kenney, Lawrence
23 Friedman and/or Tom O'Brien.
24
25
26
27
28

1 Plaintiff's business has been harmed and destroyed
2 both temporarily and permanently to assure current and/
3 or future success of the racketeering.
4

5 Harms upon victims and plaintiff by the RICO is
6 direct, proximate and reasonably plausibly foreseeable
7 as a result of Defendants intentional interference with
8 plaintiff's business, funds/compensation and goodwill.
9

10 Romney's gang and/or co-Defendants/co-conspirators
11 did violate various state and the federal laws of
12 Bribery, Conspiracy, Mail Fraud, Intimidation of Victim
13 /Witness, Wire Fraud, Money Laundering, Bankruptcy
14 Frauds, Retaliation Against Victim/Witness, Obstruct of
15 a state and federal investigations (including frauds,
16 corruption and possibly mayhem and murders), plus the
17 Obstruction of Justice by False Oaths/Declarations and/
18 or Affidavits in State and Federal Proceedings, Civil
19 Rights violations scheming via "Color of Law", Aiding
20 and Abetting, before, during and after facts, and/or
21 Grand Larceny and/or federal corruptions.
22

23 These acts here and above mentioned constitute a
24 pattern of racketeering as defined **18 U.S.C. § 1961**.
25
26
27
28

1 **The RICO Enterprise**

2 Hereof the RICO and their cohorts/cronies and/or
3 co-conspirators, are a group of people/entities also
4 known as "persons" who have formed various "associations in
5 fact" for the common purpose of organized crimes.
6
7

8 The Defendants, separately and/or collectively do
9 carry out their ongoing criminal "enterprise" in the
10 manner described in the above, foregoing, paragraphs of
11 this 2nd Amended Complaint.
12

13 Whereas, RICO occurs via multidimensional efforts
14 of lies, frauds, threats, retaliations, fed venality
15 and/or other schemes and artifices to defraud for their
16 sakes of unjust enrichments and/or career advancements
17 at the direct material adverse harm of many victims,
18 persons, interstate commerce entities, both public and
19 private and including plaintiff's business.
20
21
22

23 Whereas the RICO Defendants & their co-conspirators
24 have organized their *enterprise* into interconnected
25 groups with specific and assigned responsibilities and
26
27
28

1 a command structure that operates both in and outside
2 of the bankruptcy courts.

3 Over a decade plus, the RICO Defendants have been
4 able to adapt their schemes to various dynamics and
5 changing circumstances. Recruiting new members (such as
6 Johann Hamerski) and juxtaposing roles of current bad
7 faith parties as a current situation mandates.
8

9
10 Such as Romney owning Stage Stores, Michael Glazer
11 as the Director thereof, with Barry Gold as director's
12 assistant who hired Traub's TBF.
13

14 Then, in eToys, those same parties do a merry-go-
15 round etch-a-sketch of their role playing and pretend
16 to be opposing parties to one another.
17

18 While the RICO enterprising has changed its designs
19 and criminal exploits to vary from time to time, this
20 RICO has generally been structured as an interrelated
21 unit in order to accomplish many open ended and some
22 closed ended organized criminal schemes.
23

24 Including what may now be the closed end scheme for
25 Romney to become POTUS; while the "*Bankruptcy Ring*" scams
26 demonstrate no indication of ever relenting.
27
28

1 Defendant Romney has always been the top dog of the
2 RICO. He is one slick character who openly destroys and
3 /or makes sure any incriminating evidences are gone.
4

5 However, Mitt Romney is (obviously) not the perfect
6 schemer he thinks he is; and has left evidences trails
7 that result in proof to the contrary of his lying Under
8 Oath - even to the entire country in Elections Forms.
9

10 It is the goals of Romney and the other Defendants
11 to gain as much money, power and influence as possible.
12 Regardless of how many crimes are perpetrated and/or
13 how much federal corruption is needed to assure
14 accomplishment of any particular organized crime.
15
16

17 Defendants All, have benefited both directly and/or
18 indirectly from the enterprising of interstate commerce
19 and have great incentives to continue to do so as it is
20 readily apparent that the RICO is expanding in scope,
21 depth and unseemly efforts of their power to gain undue
22 influence over the integrity of the judicial process.
23
24
25

26 Including being able to make attorneys for some of
27 the co-conspirators (such as Douglas Kelley once a
28 lawyer for Tom Petters) to then become Federal Receiver

1 of the Tom Petters [Traub] Ponzi cases. Who also
2 unlawfully became bankruptcy trustee of some of Tom
3 Petters cases; whilst his crony/cohort law firm of
4 Lindquist & Vennum made sure Traub's cohort/ crony
5 Michael O'Shaughnessy is never brought to justice while
6 there are bankruptcy cases of O'Shaughnessy's that are
7 over in less than a year (while eToys 10 yrs.).

10 Defendants Goldman Sachs and Bain are legitimate
11 business corporations who corruptively enterprise vast
12 *unjust enrichment* via their attorneys, cohorts/ cronies
13 perverting the justice process via lies under oath and
14 concealing their direct links. Do so by gaining court
15 ordered approval to be counsel for parties that are
16 actual victims of Goldman Sachs and Bain.

20 Such as the Tom Petters Ponzi scheme and Fingerhut
21 and/or the Polaroid issues. Whilst Defendants MNAT,
22 Barry Gold and Paul Traub assist Goldman Sachs and Bain
23 Capital and Mitt Romney and Michael Glazer to benefit
24 from plethora of schemes to destroy the eToys public
25 company, fleece the eToys bankruptcy estate; and make a
26
27
28

1 total mockery of justice concerning the NY Sup. Ct case
2 of eToys v Goldman Sachs (case# 601805/2002).

3
4 Then, the Defendants (nearly all of them except for
5 any visible direct benefit to Johann Hamerski) all go
6 into more merry-go-round role playing in the Kay Bee
7 bankruptcy case, with all gaining expressed benefit.
8

9 Bain and Glazer getting \$100 million, Traub and
10 Barry Gold with ADA; and MNAT/Traub [conflicted] billables.
11

12 Meanwhile Defendant Colm Connolly had the career
13 advancement looming of his becoming the DE US Attorney.
14 Colm came from MNAT and refused to investigate and/or
15 prosecute his former partners at MNAT (failing to reveal
16
17 Connolly's direct links to "targets" of federal investigations. And/or also failing to
18 stop the crimes – even when armed with confessions) .
19
20

21 Thankfully, due to then Senator Joe Biden's stand
22 tall as much as the Law would allow, against Connolly;
23 Senator Biden (who lost the backing of the DE number
24 one newspaper the Wilmington News Journal during the
25 Presidential Election) refused to sign the requisite
26 slip so that Colm Connolly could then be promoted/
27
28

1 rewarded to the post of becoming District Court Federal
2 Judge in Delaware.

3 Traub's attorney James Garrity has now become a
4 partner of Connolly's at Morgan Lewis. Connolly still
5 seeks direct/indirect benefit from the RICO. He also
6 remains closed lipped about his duplicity and may even
7 be possibly connected to the John "Jack" Wheeler
8 homicide in an effort to cover it all up.
9
10

11 Obviously all the Defendants and co-conspirators
12 have benefited from the RICO and "associations in fact" that
13 varies enterprisingly, doing "*predicate act*" felony crimes
14 that are patterns of racketeering. Thus this RICO and
15 the Defendants and co-conspirators are most assuredly
16 an "enterprise" within the meaning of 18 U.S.C. 1961(4)
17 and 1962(c), hereafter and heretofore referred to as
18 the "Enterprise".
19
20
21
22

23 Each and every Defendant and/or co-conspirator has
24 participated in the operations and/or management of the
25 Enterprise and/or has benefited directly/indirectly of!
26
27
28

1 At any and all times relevant from years ago and
2 even to this very day, the Enterprise was engaged in,
3 and its activities afflicted interstate commerce and
4 harmed this plaintiff's business within the meaning of
5 18 U.S.C. § 1962(c).

6 **Pattern of Racketeering Activity**

7
8
9 Each & every RICO Defendants and/or co-conspirators
10 conducted and/or participated and/or benefited directly
11 and/or indirectly in/from the conduct, managing and/or
12 operation of the Enterprise's affairs through "patterns
13 of racketeering" activity within the meaning of **18 U.S.C. §**
14 **1961(5)** and in violation of **18 USC § 1962(c)**, of state and
15 federal law breaks that carry at least one (1) year of
16 prison time. Including, but not limited to, the list of
17 "predicate acts" determined by 18 U.S.C. § 1961 that
18 includes;
19
20
21
22

23 Bankruptcy Ring violations of 11 U.S.C. §§ **152**
24 **Concealment** of assets, false oaths and claims; and
25 bribery and/or Section **153 Embezzlement** against estate
26 and/or Section **154 Adverse** interest and conduct of
27
28

1 officers and/or many violations of Section 155 Scheme to Fix
2 Fees and/or Knowing disregard of bankruptcy law/rule per
3
4 Bankruptcy Fraud Section 156.

5 As detail above - throughout - the RICO Defendants
6 often lie under oath to every federal agent/agency and/
7 or many courts, doing so by Mail and/or Wire Fraud.
8

9 Additionally there are violations of 18 U.S.C. §§ 1510
10
11 Obstruction of Criminal Investigations, and then t Section 1512
12
13 Tampering/Intimidation against the victims and/or witness and
14 Section 1513 Retaliating Against Witnesses.

15 Also Defendants and/or their co-conspirators are
16 guilty of directly and/or indirectly benefiting from
17 violations of Section 1503 Obstruction, plus violations of
18
19 Sections 1341 Mail Fraud and Section 1343 Wire Fraud.
20

21 Additionally there are many state laws violated in
22
23 New York, Pennsylvania, Delaware, Texas and California,
24 plus issues of Hobbs Act and/or Sarbanes Oxley; and
25
26 defendant reserves his lawful right to Amend this
27
28 Complaint within 21 days of serving Defendants - in
order to correctly designate additional issues, Codes,

1 States and such that further education of this "pro se"
2 party who is not an attorney at law.

3 These "patterns" of Racketeering also include items
4 of money laundering. Though some of the duplicitous
5 parties are already serving time in prison because they
6 did already plead guilty to money laundering, such does
7 not let the RICO Co-Defendants off the hook.
8

9
10 Furthermore, there are issues of Civil Rights
11 crimes by "Color of Law" and Federal Corruption issues
12 massive.
13

14 Each and every time one Defendant and/or any of
15 their co-conspirators lied under oath, retaliated, did
16 obstruct, schemed to fix fees, intimidated, corrupted
17 the integrity of the judicial process, and/or did
18 engage directly/indirectly and/or benefited directly/
19 indirectly from profuse, multiple predicate acts as
20 described by 18 U.S.C. § 1961, constituted a "pattern"
21 of racketeering activity within the meaning of 18 USC &
22 1961(5). Many victims and plaintiff's business and
23 property, profit was harmed by the RICO Defendants
24 violations of 18 U.S.C. § 1962(c).
25
26
27
28

1 The injuries to plaintiff's business, caused by the
2 culpable defendants engaging patterns of racketeering
3 by the RICO Enterprise caused, by the violations of 18
4 U.S.C. § 1962, damages to plaintiff's business, his
5 reputation, goodwill and impaired litigant's interest
6 and ability to do business, gain employment (especially
7 in the Toys industry) or to do contracts, including any
8 with Kay Bee initial cases and/or Kay Bee and eToys
9 subsequent cases.
10
11
12

13 Furthermore all the injuries were direct/Proximate
14 and readily seeable as a direct result of violations of
15 18 U.S.C. § 1962. Plaintiff is unquestionably a victim
16 of the RICO Defendants' illegitimate Enterprise.
17
18

19 As a matter of fact litigants own attorney emailed
20 a direct threat from Susan Balaschak, a partner of
21 Traub's TBF and most definitively a co-conspirator who
22 did promise to destroy plaintiff's career after he
23 turned down multiple offers of Bribery (also predicate
24 act); and did report the crimes to the DOJ and UST's
25 office that had been corrupted by the RICO.
26
27
28

1 Pursuant to 18 U.S.C. § 1964(c), plaintiff is now
2 entitled to recover treble damages, estimated to be at
3 least \$100 million above fees and costs from the RICO
4 Defendants collectively and separately.
5

6 Litigant is further entitled to, and should be
7 fully awarded, a preliminary and permanent injunction
8 that prevents and enjoins Defendants, their assigns,
9 and /or anyone else accounting in concert with them
10 (such as Channel Communication engaging in a campaign
11 to destroy this victim /witness by its medias).
12
13

14 Additionally, Defendants, their law firms, friends,
15 relatives, backers, associates known and unknown in the
16 Department of Justice should be restrained and here and
17 forever more, from breaking the law and/or breaching
18 their fiduciary duties to assist covering up the RICO
19 crimes, and/or protect the RICO Defendants and/or
20 attack, retaliate and/or assault defendants and the
21 other RICO victims (such as Robert Alber) in any way
22 whatsoever.
23
24
25
26

27 Additionally, rogue elements inside the federal
28 agencies, should be restrained and/or removed!

1 Romney and his co-Defendants are employed and/or
2 "*associated*" with the "*enterprise*" that is harming, for many
3
4 years, "*interstate commerce*", with Defendants being the
5 "*culpable*" persons who are doing "*patterns*" of organized
6
7 crimes; which are visibly and secretly in violation of
8 multiple state and federal laws, with at least 1 year
9
10 of prison time, including "*predicate acts*" "*patterns*" of
11 "*racketeering*".

12 Romney and his co-Defendants abused legitimate
13
14 positions, entities and victims and have harmed this
15
16 plaintiff's business.

17 Specifically, Defendants have separately and/or
18
19 collectively, lied, cheated, stole, schemed, extorted,
20
21 perjured, corrupted, colluded, retaliated, bribed, did
22
23 benefit from federal corruption, of state and federal
24
25 frauds, bankruptcy fraud and/or other wrongdoings for
26
27 the sake of unjust enrichment; and harmed plaintiff's
28
business, property and other victims - as Defendants
continue to benefit lying, cheating and stealing by
criminal designs that obtain fraudulent judgments.

1 Romney's Gang(s) and/or co-Defendants and/or co-
2 conspirators used and invested income that was derived
3 from a pattern of racketeering activity by interstate
4 enterprise, to expand the strength, scope, powers and/
5 or undue influence of the RICO Enterprises.
6

7
8 Specifically, moneys gained from TLCo and/or Stage
9 Stores and/or Kay Bee and/or eToys and/or other scams
10 known and unknown were utilized in separate and/or
11 collective manners by the RICO Defendants from unjust
12 enrichments and subject profits of the businesses who
13 were seeded by monies derived from a pattern of
14 racketeering activity in an interstate enterprise.
15
16

17 Such entities acquired in part and/or in full as a
18 result of the RICO enterprising includes, but is not
19 limited to, various Bain Capital entities (such as
20 "BCIP"s and/or Sankaty), Liquidity Solutions/ Madison
21 Liquidity, Kay Bee, eToys, Toys R Us, Burlington Coat
22 Factory, Guitar Centers, HCA, Dunkin Donuts, Clear
23 Channel Communications, the Boston Celtics, Babies R Us
24 and many, many more. Including Fingerhut, Goldman Sachs
25 and/or interests Off Shore/international.
26
27
28

1 Defendants many schemes and artifices to defraud
2 include arranging for some of their own employees and/
3 or attorneys to become federal agents, heads of federal
4 agencies and/or watchdogs (like SEC, DOJ, maybe FBI)
5 and/or federal prosecutors (such as Colm Connolly).
6

7
8 As a proximate/direct result of the Defendant(s)
9 and/or their co-conspirators and/or their corrupt rogue
10 public servants as federal agents, prosecutors and/or
11 heads of federal agencies, task forces and/or divisions
12 as part of racketeering activities and violations of
13 Title 18 United States Code Section 1962(a), plaintiff
14 has been injured in his business and/or property in
15 that: specifically, Barry Gold was a paid Romney/ Stage
16 Stores employee and paid Traub' TBF employee, partner
17 with Traub in ADA. Whereas, as a result of separate and
18 /or collective acts thereof, including the four (4)
19 payments of \$30,000 each by Traub's TBF firm to Barry
20 Gold before MNAT and Traub unlawfully inserted Mr. Gold
21 inside eToys as a post-bankruptcy petition President
22 and CEO, after being forewarned by the UST NOT to do
23 that very crime. Then plaintiff was assaulted vastly!
24
25
26
27
28

1 Including MNAT, Traub and Barry Gold collectively
2 and/or separately scheming to destroy plaintiff's work,
3 career and business, as was iterated by TBF's Susan
4 Balaschak threats emailed to plaintiff by his very own
5 attorney Henry Heiman - promising that plaintiff/CLI
6 would not get paid, plaintiff's career would totally be
7 destroyed and worse would happen if complainant didn't
8 "back off" from his pursuits of justice and/or payment.
9
10
11

12 This destruction of plaintiff's career/business is
13 a continuous part of the Enterprising as a result of
14 the patterns of racketeering. Including state/federal
15 statutory violations such as False Oath/Declarations,
16 Schemes to Fix Fees (for Defendants and/or against the
17 plaintiff). With, MNAT, Traub/TBF and Barry Gold all
18 failing to disclose (lying under oath/deceiving state
19 and federal courts) about their systemic/incestuous
20 relationships with one another and/or Goldman Sachs and
21 /or Bain Capital and/or other parties, entities and/or
22 persons known and unknown. Such as Liquidity Solutions,
23 Madison Liquidity, Michael Glazer, Bain/ Kay Bee.
24
25
26
27
28

1 Whereas plaintiff is entitled to judgments against
2 the Defendants, declaratory and injunctive relief as
3 mentioned above (and as discovery at trial may further
4 demonstrate the need of).

5
6 Including, but not limited to, actual damages of
7 the estimated \$3.7 million that was stolen from
8 plaintiff/CLI in 2001, with subsequent penalties and
9 interests thereof, including treble damages, plus
10 attorney fees paid to counsels, even those that
11 betrayed their clients; and any other relief that the
12 court deems appropriate to instruct the jury.
13
14
15

16 With the additional caveat that the Racketeers can
17 NOT be permitted success over Kay Bee and eToys; both
18 of which have been in bankruptcy cases multiple times -
19 handled by Paul Traub - winding back at Bain Capital.
20

21 Toys R Us is owned by Bain and currently holds the
22 stolen property of Kay Bee and eToys federal estates;
23 and this manifest injustice must be rectified.
24
25

26 Though it is a conundrum and undesirable state of
27 affairs that one federal court must reach out and do
28 admonishment of another; in this case it must be done!

1 Currently, Michael Glazer and Barry Gold sit in
2 high glorious happiness of getting away with being RICO
3 bandits; placed there in part as a result of federal
4 corruption of Colm Connolly, Roberta DeAngelis and the
5 henchman/betrayer of the public's trust - Mark Kenney.
6

7
8 Roberta DeAngelis and Mark Kenney must be removed
9 from their positions of trust over Kay Bee and eToys.

10 Judge Walrath should be recused!

11
12 Even if they can't be permanently removed by this
13 court; then certainly - obviously - will continue to
14 retaliate against plaintiff for pointing out their
15 woeful ineptitude, willful blindness and consistent
16 Breach of Fiduciary Duty.
17

18
19 Plaintiff should be placed back in his chair over
20 eToys immediately.
21

22 There's no justification to allow the Defendants to
23 continue to maintain their positions of public trust,
24 as approved officers of the court; when it is so far
25 and beyond the preponderance of the evidence, even well
26 beyond clear and convincing that they are betraying
27 their court approved clients for self enrichment.
28

1 No one else can be placed within the Confirmed PLAN
2 Administrator's chair that Barry Gold sits in over the
3 eToys Post Effective Date Committee ("PEDC") chair.
4

5 Whereas, the Toy industry is duplicitous in these
6 affairs; and should be litigated against for the sake
7 of all victims accordingly.
8

9 Even the bond holders can't be trusted. Larry
10 Durant who worked for R.R. Donnelly & Sons was removed
11 and vanished when plaintiff pointed the issues out to
12 the general counsel of R.R. Donnelly. Larry Durant had
13 worked with Paul Traub and Barry Gold in one of the
14 cases mentioned by Traub's TBF Stage Stores Supplement
15 Rule 2014/2016 Affidavit.
16
17
18

19 Furthermore, R. R. Donnelly had two Goldman Sachs
20 members upon their board. When plaintiff pointed this
21 out to R. R. Donnelly's general counsel, the joint deal
22 with Goldman Sachs and R. R. Donnelly, to the tune of
23 over \$300 million - was dissolved within 2 weeks.
24
25

26 Compounding this even further is the other Bond
27 Holder of eToys Fir Tree Value Fund and its person most
28 knowledgeable of Scott Henkin.

1 Back in 2004 and 2005, Scott Henkin confessed to
2 plaintiff, on more than one occasion that Fir Tree was
3 part of an "off the record approval of the conflict of
4 interest of Barry Gold and Paul Traub".

6 When plaintiff informed the Department of Justice
7 about Scott Henkin's email remarks; Mr. Henkin both
8 emailed and phoned litigant complaining that the fact
9 was disclosed to plaintiff because it was "off the
10 record".
11

13 Resultantly, the RICO expanded by filing bankruptcy
14 of Kay Bee and selling eToys to D E Shaw; who then did
15 hire Scott Henkin.
16

17 Then eToys was placed into bankruptcy once again,
18 after other frauds with The Parent Company; and eToys
19 wound back up with Bain at Toys R Us and Scott Henkin
20 bounces around Bain deals now purportedly at KKR.
21

23 Removing Barry Gold is not a complicated matter as
24 the DE BK Ct has already given up protecting the eToys
25 good faith creditors and shareholders, perversely after
26 giving approval to the recent MNAT, Barry Gold and Paul
27 Traub settlement with Goldman Sachs for \$7.5 million.
28

1 This is after the DE BK Ct knows Barry Gold is a
2 partner with Paul Traub and MNAT was (purportedly) laid
3 upon a sanction/fine for Goldman Sachs issues.
4

5 However, the one and same RICO "Bankruptcy Ring"
6 "association-in-fact" believed they had gotten away
7 with their Racketeering of eToys so well - that Barry
8 Gold, as PLAN Administrator was granted G-dlike powers
9 of the eToys estate and PEDC.
10
11

12 Whereas those "extensive" arm's length parties did
13 (for pretense) did place into the eToys Confirmed PLAN
14 - **Part 5.2 REMOVAL** - that the Administrator (Barry Gold)
15 could be removed for "cause". With "cause" defined by
16 the DE BK Ct approved Confirmed PLAN in 2002, as [any]
17 act of fraud, embezzlement or theft, the intentional
18 wrongful damage to property, neglect by Administrator,
19 the failure of the Administrator [Barry Gold] to act in
20 accordance with the - PLAN or [PLAN] Agreement; and the
21 failure of the PLAN Administrator to continue to serve
22 as sole, director, "sole shareholder" (another motive
23 of the RICO to destroy eToys shareholders); and the
24 gross negligence [willful misconduct] of Barry Gold.
25
26
27
28

1 Whereas any successor PLAN Administrator shall be
2 vested in all the powers, rights, duties and also be
3 made the "sole" director and officer of the Reorganized
4 [eToys] Debtor.
5

6 Furthermore, plaintiff's CLI contracts Indemnify
7 CLI, its officers, agents and assigns from any willful
8 misconduct and/or ~~gross~~ negligence of eToys, its then
9 and current, officers, agents and assigns.
10

11 Inside eToys PLAN Administrator chair, plaintiff
12 would then easily fire MNAT, Traub/TBF, Dreier, TBF's
13 local counsel, Xroads LLC and/or any other Romney RICO
14 stalwart such as Scott Henkin, Glazer etc.!

15 Justice could also then readily be accomplished as
16 the heretofore cohorts/cronies, including Epstein
17 Becker and Green, Pomerantz, Wachtel & Masyr, Richard
18 Cartoon and/or other agents known and unknown, includes
19 the PEDC Committee of Mattel's assign to Fisher Price,
20 Lego and Fir Tree, to come up and replace those many
21 duplicitous, willfully blind parties, as allowed by
22 Bankruptcy Law under 510(c) Equitable Subordination to
23 be placed at the back and/or expunged entirely.
24
25
26
27
28

1 Whereas the bogus settlement with Goldman Sachs can
2 also be handled by a good faith party; where the RICO
3 rogue elements within Goldman Sachs and Bain Capital
4 can be expunged from their ranks and a good and just
5 settlement can occur.
6

7 Otherwise, a clear and convincing message will be
8 sent that you can get away with organized crimes if you
9 do so large enough, stealing billions, granting firms
10 like MNAT their belief that entrenched powers of undue
11 influence in the system of justices can succeed in the
12 bigger schemes in arranging one of your own to become
13 the United States Attorney and others as Senior Judges
14 upon Circuit Courts' who was utilized as Colm Connolly
15 way of getting to his position of public trust he did
16 abuse so easily and steadfastly.
17

18 Whereas there's also the additional issues of the
19 Deferred Prosecution Agreements and/or Judicial granted
20 immunities to profiteers, who allow counsels of Ponzi
21 Schemers to become the Federal Receiver over the very
22 Ponzi case. Like Goldman Sachs suing Goldman Sachs,
23 Bain selling eToys to Bain; and Traub getting Polaroid!
24
25
26
27
28

1 Romney's Racketeers did their organized crimes so
2 well and got away with it due to federal corruption
3 that was so profuse, with Clear Channel Communications
4 being acquired by the RICO unjust enrichments; which,
5 in conjuncture with Bain paying off parties like the
6 Democrats research arm American Bridge, to not discuss
7 Bain/Romney issues (such as TLCo and eToys that were
8 NEVER discussed by main stream during the POTUS
9 Election race); whereas this nation was deprived of a
10 good faith chance of a clean election process. And our
11 country came too dang close to getting a RICO "boss" as
12 the President of the United States.

13
14
15
16
17 **Third Claim for Relief - COUNT III**

18 (Maintaining an Interest and Control of the RICO

19 In Violation of 18 USC §§ 1962(b))

20 (Against ALL RICO Defendants)

21
22
23 Plaintiff realleges and incorporates herein by
24 reference, every and each foregoing paragraph of this
25 "2nd Amended" Civil RICO Complaint, including the
26 information within the Claims for Relief, as if all
27 above is set forth here fully and completely.
28

1 Litigant alleges that the RICO Defendants illegally and
2 knowingly/willfully conspired, schemed, colluded by separate
3 and collective agreements to violate 18 USC § 1962(c) as
4 described above, in violation of 18 USC § 1962(d); and
5 plaintiff reserves his right to Amend within 21 days.
6
7

8 During all relevant times pertaining to this case,
9 plaintiff is a person within the meaning of 18 U.S.C.
10 §§ 1961(3) and 1962(c).
11

12 At all times relevant, each/every RICO Defendant,
13 including John/Jane Doe's to be named later, are a
14 person within the meaning of 18 U.S.C. §§ 1961(3) &
15 1962(c).
16
17

18 As is evident by the docket records and federal
19 archives, the vast amount of evidences overwhelming,
20 profuse and undeniable, the Defendants obviously knew
21 they were engaged in law breaking by "predicate acts"
22 and that these many statutory violations were part of
23 racketeering activity that included participations,
24 collusions, agreements, implied and expressed by each
25 one of them to further organized criminal goals that
26
27
28

1 were necessary to allow the commission of the patterns
2 of racketeering activity to achieve success.

3 This conduct constitutes a conspiracy to violate 18
4 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d).

5
6 Whereas the RICO Defendants, including Mitt Romney,
7 Paul Traub, as well as MNAT and its current partner
8 Greg Werkheiser, along with MNAT's former associate
9 Colm Connolly, Bain Capital and Goldman Sachs, Michael
10 Glazer, Barry Gold and henchman Johann Hamerski, and
11 their co-conspirators (that can be named as John/Jane
12 Doe's 1-10), including Scott Henkin, Fir Tree Value
13 Fund, D E Shaw, R.R. Donnelly and Sons, Stage Stores,
14 Liquidity Solutions/ Madison Liquidity, Dreier LLP,
15 Epstein Becker and Green, Pomerantz, Wachtel, Frederick
16 Rosner (and the various firms he worked with during the
17 eToys case). Also including as possible co-Defendant
18 Jane/John Doe's of Henry Heiman, Heiman Aber Goldust
19 and Baker, Michael Weiss, Fox Rothschild, Gary Ramsey,
20 Brad Brook/ Bayard Firm and Michael Kennedy. And the
21 autocrats Lawrence Friedman, Roberta DeAngelis and Mark
22 Kenney (if the court can see a clear was to do so).

1 Whereas the scope and breadth and power, plus the
2 undue influence of this RICO enterprise is one of the
3 largest (if not indeed THE most) Racketeering
4 Enterprises of all time. Which includes "associations-
5 in-fact" of Corporate Raiders, "Bankruptcy Rings" and
6 national/international money launders (and possible off
7 shore Tax have frauds - including Lawrence Friedman of
8 Bader Company); and/or federal corruption and/or state
9 and national election rings.

13 Whereas Defendant(s) and/or their co-conspirators
14 acquired, collectively and/or separately, and managed/
15 maintained interests in and/or control the Enterprise
16 through patterns of racketeering.

19 Specifically doing purchases of various company,
20 entities, partnerships in law firms, associates in fact
21 in bankruptcy cases and entities outside of bankruptcy
22 such as Kay Bee, Fingerhut, Polaroid and/or eToys.

24 Whereas the Romney's Gang, Co-Defendants and/or co-
25 conspirators did engage in and/or benefit from state
26 and federal statutory law breaking as mentioned above;
27 but not limited to (as discovery at trial may reveal).

1 Defendants have directly and/or indirectly been
2 able (could afford by the massive unjust enrichment
3 that this RICO has provided in the millions, tens of
4 millions, hundreds of millions and possibly Billions of
5 dollars in Racketeering monies) to acquire and maintain
6 interests in and/or control of the Enterprise through
7 patterns of racketeering (many) as described above, in
8 violation of 18 U.S.C. § 1962(b).

9 As a direct/proximate result of the Count III
10 violations, by Defendant(s) racketeering patterns and
11 state(s) and/or federal statutory violations, including
12 18 U.S.C. § 1961 "predicate act" crimes and violations
13 of 18 U.S.C. § 1962(b), plaintiff and other victims
14 have been injured over a protracted time period.

15 Whereas the harms are continuous to plaintiff's
16 business and property in that multifaceted schemes by
17 the Defendant(s), in multidimensional ways harmed this
18 plaintiff's business that was competitor to Defendants
19 in the industry of buying companies, buying claims,
20 doing turn arounds and bankruptcies/liquidations.

1 Whereas, even as recent as within a year of the
2 filing of the initial RICO Complaint of October 18,
3 2013, Defendants did continue to lie, deceive, cheat,
4 engage in grand larceny, Perjury, Retaliation and/or
5 many other state and federal crimes to assure the
6 continued success of the RICO.
7
8

9 Whereas the DE BK Ct, with the abject silence by
10 the Delaware Department of Justice and/or US Trustee's
11 office, did permit the confessed lying MNAT and its
12 partner Werkheiser to continue to prosper in their
13 organized crimes, while concealing massive bankruptcy
14 frauds (specifically the fact that MNAT, Traub/TBF and
15 Barry Gold all have undisclosed connections to Bain/
16 Kay Bee and sold eToys to Bain/Kay Bee for reduced
17 prices while also having undisclosed connections to
18 Goldman Sachs, while suing Goldman Sachs and now doing
19 a perversion of justice settlement of hundreds of
20 millions of dollars in schemes and artifices to defraud
21 a public company and bankruptcy estates - while acting
22 as if in good faith and settling with Goldman Sachs for
23 only \$7.5 million and giving some of that to Traub)!

1 Whereas the Defendant(s) and/or their co-
2 conspirators did succeed in having plaintiff unlawfully
3 and permanently expunged from the DE BK Ct to seek any
4 redress of grievances.
5

6 Doing such expunging after the surreptitious way in
7 which plaintiff's Motion of October 24, 2012 was by the
8 DE BK Ct Clerk withheld from the public docket record
9 to make sure the information in there did not inform
10 the media and the public that Romney was a RICO "boss"
11 who sought to be President of the United States. So
12 that the Racketeers might get the "friendly" United
13 States Attorney General they needed to assure the full
14 and complete - many decades of success - of the RICO.
15
16
17
18

19 Wherefore plaintiff requests that this court do
20 enter judgments and/or declaratory/injunctive relief by
21 a trial by jury and as deemed necessary "sua sponte" by
22 the court to effectuate justice.
23

24 This includes plaintiff's prayers for relief as
25 mentioned above, including requests for actual damages
26 of the estimated \$3.7 million stolen in 2001, plus the
27 penalties and interest thereof = tripled.
28

1 Whereas that amount in the tens of millions also be
2 separate of the money, salaries and/or business profits
3 of plaintiff's business in subsequent years over eToys,
4 including the monies plaintiff's business would be
5 entitled to, treble, for the continued growth of this
6 plaintiff's business.
7
8

9 Whereas litigant did halt plans to defraud ToyTime
10 in Ohio in 2000; and - even with racketeers all around
11 plaintiff/CLI, litigant was still able to compel Bain/
12 while Romney was still CEO, to pay tens of millions of
13 dollars.
14
15

16 This continued success to get greater returns for
17 Creditors against such powerhouses would have obviously
18 continued to grow and rise plaintiff's business in the
19 demand of creditors to get greater returns.
20
21

22 Especially if the Racketeering Defendants hadn't
23 used their unjust enrichments to get inside companies
24 like Mattel - via the TLCo massive loss merger - where
25 the Defendant(s) undue influences was also able to
26 force the early retirement of the Chairman of the
27 Creditors Committee from Mattel.
28

1 May it please the court that justice be done in a
2 manner equal to poor and rich alike; and that the RICO
3 Defendant(s) learn that there is no one above the Law!
4

5 This court could start today, by removing Barry
6 Gold from his criminal throne chair over eToys and
7 placing plaintiff back where the DE BK Ct originally
8 court ordered him to be. That would be the beginning
9 and would also send a clear message that the heretofore
10 federal corruption has no way to exist any longer.
11

12 It would also send a message to the communities of
13 the legal profession that "good ole boys" groups can't
14 back a court into permanent duplicity by perpetration
15 of frauds on the court (claims that an OOPs transpired
16 as a single aberrant act of bad faith behavior) - to
17 where every legal firm, scholar and mind become too
18 afraid of being retaliated upon by the strength and
19 power and undue influence reach of the RICO.
20
21
22

23 Plaintiff's position in this instant case is one of
24 legal superiority and Defendant(s) positions are that
25 of RICO criminals' house of cards stacked too high and
26 has become untenable! If the Law is too be applied!
27
28

1 Romney and his co-Defendants are employed and/or
2 "*associated*" with the "*enterprise*" that is harming, for many
3
4 years, "*interstate commerce*", with Defendants being the
5 "*culpable*" persons who are doing "*patterns*" of organized
6
7 crimes; which are visibly and secretly in violation of
8 multiple state and federal laws, with at least 1 year
9
10 of prison time, including "*predicate acts*" "*patterns*" of
11 "*racketeering*".

12 Romney and his co-Defendants were of legitimate
13
14 positions, entities that have harmed victims and this
15
16 plaintiff's business.

17 Specifically, Defendants have in pairs and/or all
18
19 collectively, lied, cheated, stole, schemed, extorted,
20
21 perjured, corrupted, colluded, retaliated, bribed, did
22
23 benefit from federal corruption, of state and federal
24
25 frauds, bankruptcy fraud and/or other wrongdoings for
26
27 the sake of unjust enrichment; and harmed plaintiff's
28
business, property and other victims - as Defendants
continue to benefit lying, cheating and stealing by
criminal designs that obtain fraudulent judgments.

1 Whereas the RICO Defendants have knowingly and
2 willfully, combined, conspired, confederated, schemed
3 by artifices to defraud and agreed together with each
4 other and others to violate 18 U.S.C. §§ 1962(a) (b)
5 and (c) as described above, in direct violation of
6 Title 18 United States Code 1962(d).
7

8
9 Specifically, evidence clearly shows, including
10 confessions already within the public docket record of
11 the eToys bankruptcy case (DE Bankr. 01-706 {2001}) -
12 that the RICO Defendants knew they were in violation of
13 the Law; and that they have engaged in continued Breaks
14 of Code & Rule of Law to escape their culpability and
15 accountability of gaining unjust enrichments resultant
16 of their law breaking.
17

18
19
20 Whereas Paul Traub's TBF has already confessed, via
21 his firms "Response" of January 25, 2005 - that TBF did
22 know they were exposed to failure to disclose conflicts
23 of interests concerning the lies under oath about Barry
24 Gold; and that a conscious decision was made by the
25 parties to continue to deceive the Delaware Bankruptcy
26 Court; because their PLAN had succeeded already.
27
28

1 On February 15, 2005, the United States Trustee,
2 via its Motion to Disgorge (the "Disgorge Motion") did
3 confirm the confessions to "intentional" fraud on the
4 court by Paul Traub's TBF law firm (eToys D.I. 2195 -
5 parts 18, 19 and 35).
6

7
8 Since that time of organized crimes, various RICO
9 Defendants engaged in massive acts of False Oaths/
10 Declarations, acts of Perjury and further Frauds upon
11 the Court collusive to Obstruct Justice, Retaliate
12 Against Victim/Witness, in many Scheme to Fix Fees and/
13 or many other "predicate act" 18 U.S.C. § 1961 Code &
14 Rule of Law violations to continue their conspiracy for
15 succeeding in their schemes & artifices to defraud.
16
17

18
19 Additionally, the RICO Defendants, in many schemes
20 separate and collective, have conspired to escape their
21 culpability and accountability in the cases of Stage
22 Stores, TLCo, Kay Bee, FAO Schwartz and eToys, as well
23 as Fingerhut, Tom Petters Ponzi and the schemes to
24 destroy eToys shareholder Robert Alber and plaintiff.
25
26 As the additional schemes to destroy the eToys public
27 company, fleece the estate and rig the NY Sup Ct case.
28

1 Participation by the Defendants separate acts and
2 collective acts are part of the RICO's agreed plan to
3 assure continued success of their conspiracy, including
4 federal corruption and the quest for Romney to become
5 President of the United States in order to be able to
6 handpick a "friendly" United States Attorney General.
7

8
9 So elaborate and pervasive are the conspiracies of
10 the RICO Defendants that Defendant Romney brazen and
11 flagrantly had the unmitigated gall to put forth a bold
12 face lie to the entire nation, during his POTUS quest,
13 via Romney's Official (signed under Penalty of Perjury)
14 Office of Government Ethics 278 Election Campaign
15 Finance Form ("OGE Form 278"). Whereas Romney did state
16 that Mitt had nothing to do with Bain Capital in any
17 way whatsoever, after February 11, 1999. In an effort
18 to dodge Romney's culpability and accountability for
19 Mitt being the CEO of Bain Capital until August 2001.
20
21
22
23

24 Then, (akin to Defendants Paul Traub, Barry Gold and MNAT being
25 caught by their own affidavits in one federal issue directly being fully contradicted
26 by their own words in another fed proceeding), with Defendant Romney
27
28

1 being "caught" red-handed by documents at the Securities
2 and Exchanges Commission ("SEC") clearly showing Mitt
3
4 Romney was active as CEO of Bain Capital until (at
5 least) August 2001. Whereas Defendants erroneously did
6 believe that their conspiracy had worked in their plan
7
8 to destroy all evidence to the contrary (as Romney had
9 done with his Olympic records, Massachusetts Governor
10 computer hard drives and the many co-Defendants schemes
11
12 to destroy federal estate Books & Records - such as
13 those of eToys).

14
15 Defendant Romney then efforts to color over his
16 lies under oath with Bain Capital's Clear Channel
17
18 Communications 800 radio stations with more than 100
19 million listeners/audiences (where Bain was able, in
20 part, to acquire Clear Channel by RICO profiteering),
21
22 doing a planned obfuscation under less direct language
23 of being a "flip flopper" "etch-a-sketcher" and/or
24 "retroactively" retired.

25
26 Doing such juxtapose of positions on the issues, as
27 most criminals do, as continuous conspiracy by lies
28 under oath - seeking to dodge culpability for felonies!

1 Additionally, Romney is also hiding the fact that
2 he was indeed CEO of Bain Capital during the massive
3 organized crimes spree era of 1999 to 2001, where the
4 TLCo, Kay Bee, Stage Stores and eToys frauds beginning.
5

6 Furthermore, Romney and his co-Defendants have all
7 conspired to benefit from federal corruption by MNAT
8 being able to arrange for one of its partner's (Colm
9 Connolly) to become the Delaware United States Attorney
10 - where Defendant Colm Connolly abused his position of
11 public's trust - to aid and abet the organized crimes!
12
13

14 Defendants have collectively and/or separately
15 benefited from agreed to conduct to participate direct
16 and indirect, in the conduct, management, or operation
17 of the Enterprising efforts and affairs through many
18 patterns of racketeering activity in violation of Title
19 18 United States Code Section 1962(a) (b) and (c).
20
21

22 Doing such conspiratorial schemes and artifices to
23 defraud by also reinvesting the RICO profits in efforts
24 to expand the scope, breadth and power of the RICO.
25
26

27 This also includes many Defendants utilizing money
28 to back Romney's POTUS quest.

1 Whereas, each RICO Defendant knew about and agreed
2 to facilitate the Enterprise's scheme to obtain more
3 property, profit, undue influences and power to assure
4 continued success of the Racketeers Enterprise.
5

6 Defendants have intentionally conspired and agreed
7 to directly and indirectly utilize, use, invest their
8 unjust enrichment income, derived from a pattern of
9 racketeering, over protracted periods of time, into
10 interstate corruptive enterprising to acquire and/or
11 maintain interests in the enterprise through a pattern
12 of racketeering activeness, and conduct and participate
13 in the conduct of the affairs of the enterprise through
14 conspired patterns of "predicate act" law breaking.
15
16
17
18

19 Defendants know that their felony violations are a
20 part of a collusive plan of activity and agreed to do
21 anything necessary to assure their ability to Obstruct
22 Justice, Destroy Evidence, Retaliated Against Victim/
23 Witnesses and further acts/commissions that will be
24 clearly evident and convincingly documented at trial.
25
26

27 These acts, including time/date stamped Mail/Wire
28 Fraud lies constitute a conspiracy.

1 Such are the facts, including confessions, public
2 court docket records thereof, and federal archives
3 (including the Dept. of Justice's Office of Legal
4 Policy Resume of Colm F Connolly) - that provides proof
5 that the RICO conspiracy is in violation of **18 U.S.C. §§**
6 **1961, 1962** fully and 1964(c), serving as proof of the RICO
7 Defendants being in violation of **18 USC § 1962(d)**.

8
9
10
11 As a direct and proximate result of the Defendants
12 RICO Enterprise efforts of conspiracy, their overt acts
13 taken in furtherance of that conspiracy; and violations
14 of 18 U.S.C. § 1962(d), many victims and plaintiff have
15 been injured. Including damage, material adverse harm
16 of litigant's business, property and career. Including
17 damage to plaintiff's reputation, goodwill, impairing
18 of complainant's ability to do business, execute any
19 contracts (especially in the toy industry and/or the
20 bankruptcy court's) and the Scheme to Fix Fees by many
21 of the Defendants to pay each other unjust enrichments
22 while also Retaliating against plaintiff as a victim/
23 witness and whistleblower, by stealing CLI fees.
24
25
26
27
28

1 No one of good faith believes the Defendants bogus
2 and wholly absurd premise that plaintiff simply and
3 totally "waived" CLI's fees and expenses in eToys
4 (estimated to be \$3.7 million).
5

6 Pursuant to 18 U.S.C. § 1964(c), plaintiff is then
7 allowed to recover treble damages above fees and cost
8 from the RICO Defendants.
9

10 Plaintiff is also further entitled to, and does
11 hereby request, a Jury Trial, to determine the amounts
12 almost incalculable that litigant is entitled to as a
13 result of the RICO harm of plaintiff's business.
14
15

16 Litigant also prayers for relief, including actual
17 damages, plus penalties and interest, tripled, above
18 fees and cost, against the RICO Defendants; and their
19 various accounts, assigns, Off Shore and domestic
20 holdings; including "Blind Trusts" and/or other things.
21
22

23 Whereas plaintiff is also entitled to, and should
24 be awarded, preliminary and permanent injunctions that
25 enjoins the RICO Defendants and/or any co-conspirators,
26 and/or their assigns, agents, radio stations and/or
27 anyone else (including rogue fed agents) from acting in
28

1 concert with Defendants schemes and artifices that seek
2 to defraud plaintiff and other parties. Including the
3 law firms of Ropes & Gray, Morgan Lewis, Epstein Becker
4 and Green, Pomerantz, Wachtel & Masyr, Frederick
5 Rosner, Saul Ewing, Sherman Sterling, Howard Elman and/
6 or parties working in concert like (possibly) Johann
7 Hamerski, Adam Bronin and/or any other person. To make
8 sure that such parties, including John/Jane Doe's 1
9 thru 10, and/or Roberta DeAngelis, Mark Kenney, Colm
10 Connolly plus other parties from engaging in acts that
11 assist, aid, abet the efforts to stop this case info
12 from being seen by the public, the courts and/or any
13 parties of interest.
14

15
16
17
18
19 Furthermore, all those named parties, plus the RICO
20 Defendants and/or any other co-conspirator known and/or
21 unknown, from commencing, prosecuting, or advancing in
22 any way whatsoever - other than coming to trial at this
23 court - including commencing actions in the Delaware
24 Bankruptcy Court, any attempt directly and/or indirect
25 - for any attempt to stymie, obstruct, thwart and/or
26 try this case elsewhere by attacks upon plaintiff.
27
28

1 Romney and his co-Defendants are employed and/or
2 "*associated*" with the "*enterprise*" that is harming, for many
3
4 years, "*interstate commerce*", with Defendants being the
5 "*culpable*" persons who are doing "*patterns*" of organized
6
7 crimes; which are visibly and secretly in violation of
8 multiple state and federal laws, with at least 1 year
9
10 of prison time, including "*predicate acts*" "*patterns*" of
11 "*racketeering*".

12 Romney and his co-Defendants were of legitimate
13
14 positions, entities that have harmed victims and this
15
16 plaintiff's business.

17 Specifically, Defendants have in pairs and/or all
18
19 collectively, lied, cheated, stole, schemed, extorted,
20
21 perjured, corrupted, colluded, retaliated, bribed, did
22
23 benefit from federal corruption, of state and federal
24
25 frauds, bankruptcy fraud and/or other wrongdoings for
26
27 the sake of unjust enrichment; and harmed plaintiff's
28
business, property and other victims - as Defendants
continue to benefit lying, cheating and stealing by
criminal designs that obtain fraudulent judgments.

1 Defendants and their agents and/or assigns and/or
2 co-conspirators have knowingly misrepresented, omitted,
3 and/or concealed material facts in their pleadings and
4 representations before various State and/or United
5 States Federal Courts. Whereas their communications and
6 /or filings to state and/or federal government agents,
7 agencies, judges and officials were materially false,
8 deceptive, obstructive and more.
9
10
11

12 RICO Defendants have fostered schemes & artifices
13 to defraud private and/or public companies and/or many
14 federal bankruptcy estates; plus the SEC.
15

16 Patently false and/or misleading/deceptive items
17 and issues were presented to official bodies for the
18 purposes of unjust enrichment, veiled agendas, grand
19 larceny, Schemes to Fix Fees, obstruction of justice,
20 Retaliation to do such things as hide conflicts of
21 interests and perpetrate frauds upon the court - whilst
22 doing frauds against parties of interests.
23
24
25

26 Victims include U.S. Post Office, state/federal
27 revenue agencies, landlords, shareholders, employees
28 and/or whistleblowers such as this plaintiff.

1 Each and every Defendant has personally engaged in
2 bad faith conduct and/or knew and/or should have known
3 that the other Defendants were breaking the law in an
4 organized criminal fashion, corrupting interstate
5 commerce by patterns of racketeering for many years.
6

7
8 All the Defendants and/or co-conspirators benefit
9 from the deceptive practices, including acts of Mail/
10 Wire Fraud, Bribery and Federal Corruption.
11

12 Defendants false representations are detailed much,
13 throughout this "2nd Amended Complaint" and includes
14 vast False oaths/Declarations and/or acts of Perjury
15 such as the many times some Defendants schemed to make
16 sure that eToys shareholders (like Robert Alber) were
17 denied their Civil Right to have an equity committee
18 and counsel, as permitted by Law; due to the lies and
19 babbling banter obfuscating that those innocent parties
20 of interest had their rights protected by the RICO
21 Defendants who had lied to a Chief Federal Justice in
22 order to become court approved counsels.
23

24
25 Upon the success of the acts of Perjury obtaining
26 court orders for approval; clients were betrayed!
27
28

1 Additionally, no one one G-d's green earth would
2 believe the incongruous premise proffered by MNAT's
3 forgery of the "Haas Affidavit" (eToys D.I. 816) that
4 the RICO Defendants claim was a waiver by Laser Haas
5 (plaintiff) of all of CLI and litigant's rights to be
6 compensated in the eToys case (estimated \$3.7 million
7 dollars in 2001). There was NO "*quid pro quo*"!

10 Furthermore, these lies and deceits and frauds were
11 proffered through many appeals to the Federal District
12 Court and Third Circuit Court.

14 Defendants continue to make these representations
15 that are erroneous, knowing that their falsities are
16 materially false and/or that their omissions of certain
17 details (such as the fact that MNAT/Werkheiser/Connolly
18 and Barry Gold and Paul Traub having direct links to
19 Romney/Glazer and Bain) - would proffer further adverse
20 material harm upon many victims and plaintiff; at the
21 direct and/or indirect benefit of the RICO Defendants
22 at large. Including unjust enrichment of Bain, while
23 Romney was still CEO; and he has confessed receiving
24 millions each year from Bain.

1 Defendants misrepresentations and/or omissions was
2 with the intent to gain favorable rulings and/or future
3 benefit/rewards; and quite possible to aid/abet Romney
4 to become President of the United States so that the
5 corruption of the Dept. of Justice that was already
6 working for the Defendants, via Colm Connolly - might
7 be advanced to a much larger scale once Romney became
8 POTUS and picked a "friendly" U.S. Attorney General
9 (perhaps even a Colm Connolly one - and a Paul Traub
10 and/or an associate thereof as DOJ Deputy Director over
11 the EOUST).

12 Having successfully proffered the RICO Defendants
13 misrepresentations, the bad faith parties are now able
14 to further stymie justice under the pretense that "no
15 one has given an ounce of attention to plaintiff's
16 allegations thus far - and hence no one will".

17 Whereas every FBI, SEC, DOJ, Public Integrity
18 Section, US Trustee, President's Corporate Fraud Task
19 Force, OIG, SEC, OPR, OSC, OGE and the Los Angeles, CA
20 Public Corruption Task Force are having investigations
21 quashed, stymied and rebuked due to Defendants Frauds!

1 As a direct, proximate and obvious/foreseeable
2 result of this RICO's Defendants' frauds, plaintiff and
3 his business have been harmed. Including significant
4 pecuniary, reputational and other prominent damages.
5

6 Plaintiff's injuries, as a result of Defendants
7 many acts of fraud, include cash flow depletions, and/
8 or goodwill harms, attorneys' fees and cost to effort
9 to obtain justice as a result of the profuse schemes of
10 the Defendants to destroy plaintiff's business for the
11 sake of fraudulent gains, fraudulent conveyances and to
12 foster the strength, scope, depth, power and undue
13 influence of the RICO.
14
15
16

17 Defendants harm upon plaintiff's business has been
18 willful, malicious, by many wrongful/law breaking acts
19 and fraudulent commissions. The amount of unbridled
20 reprehensible and outrageous nature of these acts of
21 lies, deceits, grand larceny and federal corruption are
22 so brazen, flagrant and blatant that Defendants know no
23 boundaries of remorse or relent. Their schemes and
24 artifices to defraud will obviously remain continuous,
25
26 unless reigned in immediately!
27
28

1 Plaintiff is entitled to injunctive relief, and
2 also should be awarded punitive damages against each
3 and every one of the Defendants.
4

5 Furthermore, litigant is entitled to preliminary
6 and permanent injunctions against Defendants.
7

8 Complainant is also entitled to treble damages
9 above fees and costs. Wherefore this plaintiff prays
10 the court set forth proper judgment after the trial by
11 jury.
12

13 **SIXTH Claim for Relief - COUNT VI**

14 (Tortious Interference With Contract)

15 (Against ALL RICO Defendants)

16 Plaintiff realleges and incorporates herein by
17 reference, every and each foregoing paragraph of this
18 "2nd Amended" Civil RICO Complaint, as if all above is
19 set forth here fully and completely.
20
21
22

23 During all relevant times pertaining to this case,
24 plaintiff is a person within the meaning of 18 U.S.C.
25 §§ 1961(3) and 1962(c).
26

27 At all times relevant, each/every RICO Defendant,
28 including John/Jane Doe's to be named later, are a

1 person within the meaning of 18 U.S.C. §§ 1961(3) &
2 1962(c).

3
4 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
5 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
6 types of "*Federal Corruption*" (including Civil Rights Fed
7 venality by "*Color of Law*") with various "*association in fact*"
8 units "*enterprisingly*" harming this plaintiff's business and
9
10 interest commerce.

11
12 Romney and his co-Defendants are employed and/or
13 "*associated*" with the "*enterprise*" that is harming, for many
14 years, "*interstate commerce*", with Defendants being the
15 "*culpable*" persons who are doing "*patterns*" of organized
16 crimes; which are visibly and secretly in violation of
17 multiple state and federal laws, with at least 1 year
18 of prison time, including "*predicate acts*" "*patterns*" of
19
20 "*racketeering*".

21
22 Romney and his co-Defendants were of and in place
23
24 in legitimate positions and entities that became
25
26 corrupt Enterprise and have harmed victims and this
27
28 plaintiff's business.

1 Specifically, Defendants have in pairs and/or all
2 collectively, lied, cheated, stole, schemed, extorted,
3 perjured, corrupted, colluded, retaliated, bribed, did
4 benefit from federal corruption, of state and federal
5 frauds, bankruptcy fraud and/or other wrongdoings for
6 the sake of unjust enrichment; and harmed plaintiff's
7 business, property and other victims - as Defendants
8 continue to benefit lying, cheating and stealing by
9 criminal designs that obtain fraudulent judgments.

13 Defendants and their agents and/or assigns and/or
14 co-conspirators have knowingly misrepresented, omitted,
15 and/or concealed material facts in their pleadings and
16 representations before various State and/or United
17 States Federal Courts. Whereas their communications and
18 /or filings to state and/or federal government agents,
19 agencies, judges and officials were materially false,
20 deceptive, obstructive and more.

24 Defendants are aware, being that MNAT/Werkheiser,
25 Traub's TBF and Barry Gold drafted them, of the two (2)
26 CLI contracts in the eToys case; which guarantees legal
27 fees and Indemnifies plaintiff from Defendants frauds.
28

1 Whereas MNAT, Werkheiser as a partner of, along
2 with Paul Traub and his TBF firm, and local counsel's
3 Frederick Rosner in Delaware and/or Howard Steinberg of
4 the eToys Irell & Manella firm in California, along
5 with Barry Gold and Xroads LLC Ellen Gordon and their
6 co-conspirator Richard Cartoon were all part of the
7 RICO Defendants benefit in drafting the two (2) CLI
8 contracts for eToys and the two (2) DE BK Ct Orders
9 approving CLI to be engaged as the Liquidation Consult
10 of the eToys bankruptcy case for the sake of "maximize
11 of returns at minimum expense".

12 Whereas all issues of ambiguity are upon the part
13 of the drafters, as a ubiquitous protocol of law.

14 Whereas both CLI contracts guarantee CLI's legal
15 fees; and did (originally) provide that MNAT (and thus
16 Werkheiser) would be the DE BK Ct approved "assistance
17 of [eToys] Debtor's counsel" to supplicate plaintiff's/
18 CLI paperwork to the DE BK Ct for payment processing.

19 Whereas, it is now obvious that the cajole of the
20 eToys Creditors Chairman and plaintiff to have MNAT
21 submit CLI's paperwork was a premeditated scheme.

1 WHEREAS, MNAT/Werkheiser, along with Barry Gold,
2 Paul Traub's many firms and other co-Defendants and/or
3 co-conspirators have proffered that plaintiff's CLI
4 contracts were made void, as a direct result of the
5 forgery submitted by MNAT's many attorneys who falsely
6 and incredulously claim that a "Haas Affidavit" (eToys
7 D.I. 816) is a complete "waiver" by plaintiff of all of
8 CLI's fees and expenses (estimated to be \$3.7 million
9 in 2001 alone).

13 Additionally, each and every time since January
14 2002, Defendants have lied, cheated, omitted, deceived
15 and engaged in bad faith conduct to make sure that CLI
16 and/or plaintiff were never further compensated.

19 Furthermore, Defendants never served notice of this
20 forgery now known as the "Haas Affidavit"; which the
21 RICO Defendants claim is a complete "waiver". A premise
22 so utterly bogus, the very forgery in question doesn't
23 even stipulate what the Racketeers claim it says. Where
24 the "Haas Affidavit" is only a two (2) page document
25 and it states in Items 10 & 11 thereof, the conditions
26 upon which plaintiff/CLI can be compensated.

1 Defendants continued this scheme/artifice of fraud
2 even after Romney lost his POTUS quest. Whereas this
3 plaintiff did put forth a Motion to the DE BK Ct on
4 October 24, 2012; which was surreptitiously withheld
5 from the public docket record (in an obvious attempt to make sure
6 that Romney's POTUS quest wouldn't be harmed by the facts therein) - and
7 then docketed on November 6, 2012 (once the Romney loss
8 was obvious).

9 These schemes by the RICO Defendants demonstrate
10 the profuse and overwhelming power of the Racketeers.
11

12 Including the fact that Defendants MNAT/Werkheiser
13 then were permitted to snatch away this plaintiff's
14 hearing in eToys and made it as if it were MNAT's own.
15

16 Then MNAT/Werkheiser lied under oath, while being
17 deceptive/omitting the fact that MNAT, as eToys Debtor
18 counsel, sold out its clients interest to the much more
19 lucrative (secret) clients of Goldman Sachs and Bain.
20

21 Whereas MNAT did negotiate the sale prices of eToys
22 bankruptcy estate to lower amounts at direct, material
23 adverse harm of MNAT's court approved client eToys.
24
25
26
27
28

1 Even now, just in 2013, RICO Defendants Barry Gold,
2 MNAT/Werkheiser and Paul Traub have further engaged in
3 acts of fraud, deceit, lies under oath, Breaches of
4 Fiduciary Duty (betraying their court approved clients
5 trusts) in the open, flagrant, brazen and totally 100%
6 illegal settlement of the NY Sup. Ct case of eToys
7 (renamed ebc1) v Goldman Sachs (case # 601805/2002).
8

9
10 This most recent, unjust enrichment and totally
11 bogus settlement by MNAT (who has confessed it is the
12 DE law firm for Goldman Sachs), where MNAT and Barry
13 Gold sign a settlement for only \$7.5 million of the
14 Goldman Sachs hundreds of millions of dollars of eToys
15 frauds; is also further compounded with another fraud
16 upon plaintiff in a Scheme to Fix Fee.
17
18

19
20 Whereas MNAT and Barry Gold are signing a settle
21 agreement that is illegal for them to sign; which is
22 giving Paul Traub monies.
23

24 MNAT/ Werkheiser can't sign and/or be involved in
25 anything of eToys to do with Goldman Sachs.
26

27 In similar fashion, Barry Gold as PLAN Administrate
28 is forbidden to have Transactions with Related Persons!

1 Barry Gold and Paul Traub are partners; it simply
2 doesn't get any more RELATED than that.

3
4 Judgments against plaintiff, brought though by the
5 courts should be expunged and stricken from the record!

6 Defendants have almost always acted in extreme bad
7 faith, and readily perceivable as doing so in a planned
8 fashion (fraud upon many courts).
9

10 As a matter of fact, the RICO strength is so strong
11 and powerful that plaintiff's own counsel (Heiman) did
12 actually email a Traub TBF firm threat to plaintiff to
13 "back off" or this pursuer of justice would have his
14 career destroyed (which has happened), that the RICO
15 Defendants could make sure plaintiff and his CLI would
16 not get paid (and such is transpiring) and/or that
17 worse would happen (such as abduction of daughter).
18
19
20
21

22 As a direct, proximate and obvious/foreseeable
23 result of this RICO's Defendants' Tortious Interference
24 with plaintiff's CLI contracts as further acts of
25 frauds, plaintiff and his business have been harmed.
26 Including significant pecuniary, reputational and other
27 prominent damages.
28

1 Plaintiff's injuries, as a result of Defendants
2 many acts of fraud, include cash flow depletions, and/
3 or goodwill harms, attorneys' fees and cost to effort
4 to obtain justice as a result of the profuse schemes of
5 the Defendants to destroy plaintiff's business for the
6 sake of fraudulent gains, fraudulent conveyances and to
7 foster the strength, scope, depth, power and undue
8 influence of the RICO.
9

10
11
12 Defendants harm upon plaintiff's business has been
13 willful, malicious, by many wrongful/law breaking acts
14 and fraudulent commissions. The amount of unbridled
15 reprehensible and outrageous nature of these acts of
16 lies, deceits, grand larceny and federal corruption are
17 so brazen, flagrant and blatant that Defendants know no
18 boundaries of remorse or relent. Their schemes and
19 artifices to defraud will obviously remain continuous,
20 unless reigned in immediately!
21

22
23
24 Plaintiff is entitled to injunctive relief, and
25 also should be awarded punitive damages against each
26 and every one of the Defendants.
27
28

1 Furthermore, litigant is entitled to preliminary
2 and permanent injunctions against Defendants.

3 Complainant is also entitled to treble damages
4 above fees and costs. Wherefore this plaintiff prays
5 the court set forth proper judgment after the trial by
6 jury.
7
8

9 **SEVENTH Claim for Relief - COUNT VII**

10 (Unjust Enrichment)

11 (Against ALL RICO Defendants)

12 Plaintiff realleges and incorporates herein by
13 reference, every and each foregoing paragraph of this
14 "2nd Amended" Civil RICO Complaint, as if all above is
15 set forth here fully and completely.
16
17
18

19 During all relevant times pertaining to this case,
20 plaintiff is a person within the meaning of 18 U.S.C.
21 §§ 1961(3) and 1962(c).
22

23 At all times relevant, each/every RICO Defendant,
24 including John/Jane Doe's to be named later, are a
25 person within the meaning of 18 U.S.C. §§ 1961(3) &
26 1962(c).
27
28

1 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
2 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
3
4 types of "*Federal Corruption*" (including Civil Rights Fed
5 venality by "*Color of Law*") with various "*association in fact*"
6
7 units "*enterprisingly*" harming this plaintiff's business and
8
9 interest commerce .

10 Romney and his co-Defendants are employed and/or
11 "*associated*" with the "*enterprise*" that is harming, for many
12
13 years, "*interstate commerce*", with Defendants being the
14 "*culpable*" persons who are doing "*patterns*" of organized
15
16 crimes; which are visibly and secretly in violation of
17
18 multiple state and federal laws, with at least 1 year
19
20 of prison time, including "*predicate acts*" "*patterns*" of
21
22 "*racketeering*" .

23 Romney and his co-Defendants were of and in place
24
25 in legitimate positions and/or entities that became the
26
27 /a *corrupt* Enterprise and have harmed victims and this
28
29 plaintiff's business.

Specifically, Defendants have in pairs and/or all
collectively, lied, cheated, stole, schemed, extorted,

1 perjured, corrupted, colluded, retaliated, bribed, did
2 benefit from federal corruption, of state and federal
3 frauds, bankruptcy fraud and/or other wrongdoings for
4 the sake of unjust enrichment; and harmed plaintiff's
5 business, property and other victims - as Defendants
6 continue to benefit lying, cheating and stealing by
7 criminal designs that obtain fraudulent judgments.
8
9

10 Defendants and their agents and/or assigns and/or
11 co-conspirators have knowingly misrepresented, omitted,
12 and/or concealed material facts in their pleadings and
13 representations before various State and/or United
14 States Federal Courts. Whereas their communications and
15 /or filings to state and/or federal government agents,
16 agencies, judges and officials were materially false,
17 deceptive, obstructive and more.
18
19
20
21

22 Defendants have collectively and/or separately been
23 (at least) part of billions of dollars in schemes of
24 (at the barest of minimums) against victims of Mattel/
25 TLCo merger, Stage Stores, Kay Bee, FAO Schwartz and
26 eToys.com; without showing any signs of relent.
27
28

1 It is readily apparent, as the recent erroneous
2 pretending settlement by some of the Defendants with
3 other Defendants (specifically the eToys case and MNAT,
4 Barry Gold and Paul Traub settling litigation of eToys
5 with Goldman Sachs in the New York Supreme Court) that
6 Defendants have been and will continue to be unjustly
7 enriched by acts, lies, deceits, omissions, Scheme to
8 Fix Fees, many 18 U.S.C. § 1961 "predicate acts" in
9 order to obtain bad faith gains, due to judgments that
10 are approved by various courts as a result of Frauds
11 Upon the Court by Officers of the Court.

12 As is iterated by the eToys.com October 4, 2005
13 "*Opinion*" of the DE BK Ct, it would be improper to reward
14 conflicted attorneys and punish a plaintiff. And, yet,
15 such is exactly what is transpiring in this case.

16 Any property, money, rights, powers and influences
17 that Defendants have gained thus far, are a direct and/
18 or indirect result of Defendants' tortious, illegal and
19 lies under oath, fraud on the court/fraudulent conduct,
20 as set for above hereof, including expunging plaintiff/
21 CLI eToys claim for payment (as per the MNAT forgery)!

1 Well established is the ubiquitous standards as per
2 In re Hazel Atlas Glass Supra and In re Middleton Arms
3 Supra. Whereas there are NO statute of limitations of
4 issues of fraud upon the court by officers approved by
5 a court to practice before it; and ANY failure of an
6 attorney at law to disclose conflicts of interests are
7 grounds for immediate disqualification from cases.
8
9

10 Pervasive as principal of equity, for the sake of
11 the good order of society and the need to arrest and/
12 all organized criminal efforts permeating in systemic
13 and incestuous fashion in state and federal courts; the
14 abundant need is established to halt the conscience
15 shocking behavior. Whereas this court can readily, in
16 good conscience, mandate to prevent Defendants from
17 reaping multi-billion dollar bonanzas/dividends and/or
18 any benefits arising out of the extensively heinous and
19 egregious frauds upon various courts thus far.
20
21
22
23

24 Defendants fraudulent behavior, erroneous contends
25 and fraudulent litigations, by and among their Schemes
26 to Fix Fees and Retaliations gaining unjust rulings
27 against victims and plaintiff; must be remedied.
28

1 May it please the court to put an end to all the
2 insane and inane acts pervasive in this case? Doing so
3 by preliminary and permanent injunctions against the
4 Defendants that arrests the bad faith efforts by all
5 the RICO Defendants, their assignees, agents, law firms
6 (such as Sullivan & Cromwell, Ropes & Gray and MNAT),
7 and/or any co-conspirator, associated party and/or all/
8 anyone else acting in concert with and/or for any/all
9 of the Defendants needs for success, escape of their
10 culpability/accountability.
11
12
13

14 Including preliminary and permanent injunctions
15 against Region 3 UST Roberta DeAngelis and/or her trial
16 attorney Mark Kenney.
17
18

19 Also, the (purported) settlement of the NY Sup Ct
20 case of eToys (ebcl) v Goldman Sachs by MNAT, Barry
21 Gold and/or Paul Traub should be restrained; and the
22 NY Sup Ct should be "officially" notified of the bad
23 faith acts transpiring within its system.
24
25

26 Wherefore the harm to plaintiff's business is
27 direct and proximate as a result of the unlawful acts
28 of the Defendants, including Romney's Campaign lies.

1 Litigant is entitled, as permitted part of the RICO
2 act and other laws, to damages treble, which are well
3 beyond \$75,000; above all fees and costs.
4

5 Whereas, plaintiff prays for the judgments of this
6 court, during and after a trial by jury, as set forth
7 above and below, in the interest of justice!
8

9 **EIGHTH Claim for Relief - COUNT VIII**

10 (Trespass to Chattels)

11 (Against ALL RICO Defendants)

12
13 Plaintiff realleges and incorporates herein by
14 reference, every and each foregoing paragraph of this
15 "2nd Amended" Civil RICO Complaint, as if all above is
16 set forth here fully and completely.
17
18

19 During all relevant times pertaining to this case,
20 plaintiff is a person within the meaning of 18 U.S.C.
21 §§ 1961(3) and 1962(c).
22

23 At all times relevant, each/every RICO Defendant,
24 including John/Jane Doe's to be named later, are a
25 person within the meaning of 18 U.S.C. §§ 1961(3) &
26 1962(c).
27
28

1 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
2 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
3
4 types of "*Federal Corruption*" (including Civil Rights Fed
5 venality by "*Color of Law*") with various "*association in fact*"
6
7 units "*enterprisingly*" harming this plaintiff's business and
8
9 interest commerce .

10 Romney and his co-Defendants are employed and/or
11 "*associated*" with the "*enterprise*" that is harming, for many
12
13 years, "*interstate commerce*", with Defendants being the
14
15 "*culpable*" persons who are doing "*patterns*" of organized
16
17 crimes; which are visibly and secretly in violation of
18
19 multiple state and federal laws, with at least 1 year
20
21 of prison time, including "*predicate acts*" "*patterns*" of
22
23 "*racketeering*" .

24 Romney and his co-Defendants were of and in place
25
26 in legitimate positions and/or entities that became the
27
28 /a *corrupt* Enterprise and have harmed victims and this
plaintiff's business.

Specifically, Defendants have in pairs and/or all
collectively, lied, cheated, stole, schemed, extorted,

1 perjured, corrupted, colluded, retaliated, bribed, did
2 benefit from federal corruption, of state and federal
3 frauds, bankruptcy fraud and/or other wrongdoings for
4 the sake of unjust enrichment; and harmed plaintiff's
5 business, property and other victims - as Defendants
6 continue to benefit lying, cheating and stealing by
7 criminal designs that obtain fraudulent judgments.

10 Defendants and their agents and/or assigns and/or
11 co-conspirators have knowingly misrepresented, omitted,
12 and/or concealed material facts in their pleadings and
13 representations before various State and/or United
14 States Federal Courts. Whereas their communications and
15 /or filings to state and/or federal government agents,
16 agencies, judges and officials were materially false,
17 deceptive, obstructive and more.

21 Defendants have collectively and/or separately been
22 (at least) part of billions of dollars in schemes of
23 (at the barest of minimums) against victims of Mattel/
24 TLCo merger, Stage Stores, Kay Bee, FAO Schwartz and
25 eToys.com; without showing any signs of relent. Doing
26 such crimes while also destroying any competition.

1 Whereas, as set forth above, the RICO Defendants
2 have engaged in patters of conspiracy, deceit, lies to
3 the courts as officers of the court, collusion, doings
4 of great wrongs, with the intent of unjust enrichment
5 and premeditated and opportunistic intent to interfere
6 with plaintiff's property.
7

8 Whereas Defendants have benefited in the continued
9 success of their criminal enterprise, by plots, ploys,
10 and lies upon the courts to obtain fraudulent judgments
11 such as the MNAT forgery of the "Haas Affidavit" that
12 many of the Defendants have rallied around and claimed
13 was a complete waiver of plaintiff/CLI's eToys fees.
14

15 Through these acts of lies under oath, frauds upon
16 the court (by officers of the court), Defendants false
17 prosecution of bogus litigation premises to remove
18 plaintiff and his court approved CLI from eToys.com
19 bankruptcy case. Doing so by Defendants manufacture of
20 false evidences, retaliation, extortion and intimidates
21 of victims/witnesses, with misleading and/or omissions
22 that disseminate erroneous contentions to the public,
23 the courts and federal officials; results in injustice.
24
25
26
27
28

1 Whereas, Defendants have campaigned to stop this
2 plaintiff from being a competitor and/or fiduciary that
3 will not take Bribes to become part of the RICO (as
4 apparently, nearly every other Jack Bush, Barry Gold
5 and/or Michael Glazer type executive involved with
6 Bain/Goldman Sachs has done).
7
8

9 As is detailed throughout this 2nd Amended Complaint
10 the Defendants intentionally and without proper reason
11 and/or justification and/or consent, have interfered
12 and harmed plaintiff's business, plus his use of the
13 funds due CLI and litigant from the eToys case; which
14 is part of the schemes & artifices to defraud plaintiff
15 of rights and cash flows that would have assured the
16 continued growth of plaintiff's business/career & CLI.
17
18
19

20 Obviously, the proffer of MNAT's Haas Affidavit
21 forgery and the incongruous claim that Laser Haas did
22 simply "waive" CLI's rights to compensation in eToys
23 harmed plaintiff's business (of an estimated, at least,
24 \$3.7 million in fees & expenses in 2001).
25
26

27 Such bad faith harmed plaintiff's business, his
28 ability to do contracts, reputation and goodwill.

1 Plaintiff has been harmed and the use of property
2 interfered, usurped, upset and disturbed when litigant
3 had his property, resources and funding necessary to be
4 withheld by grand larceny Schemes to Fix Fees and/or
5 Retaliations direct/indirect, as a result of Defendants
6 many schemes and artifices to defraud.
7
8

9 Litigant's rise in the liquidation, Turn Around
10 Managing/Consulting and bankruptcy business was halted
11 as a result of the deprivation of the funds that this
12 plaintiff and his business were rightfully entitled to.
13
14

15 Whereas Defendants Racketeering efforts are so
16 strong, powerful, broad and overwhelming that plaintiff
17 received an email threat from his own counsel (Heiman);
18 and the subsequent counsels all, enigmatically, did
19 then abandon their client. Doing so even when the DE BK
20 Ct approved contracts guaranteed payment of legal fees!
21
22

23 Additionally, Defendants have falsely and bogusly
24 informed the DE BK Ct that there are no issues that the
25 court has yet to address; but MNAT, Traub and Barry
26 Gold have all failed to tell the DE BK Ct about their
27 connections to Bain (selling eToys assets for cheap)!
28

1 Whereas these lies, schemes, omissions and so forth
2 are done as a continuous effort to assure success of
3 many organized crimes and the demise of plaintiff's
4 business efforts and monies to do further business.
5

6 Including the fact that Defendants are continuous
7 in their failure to properly have the courts address
8 the two (2) CLI court approved contracts that not only
9 guarantee legal fees; but also Indemnify plaintiff from
10 the willful misconduct and negligence of Defendants
11 (who are agents/assigns of eToys).
12
13

14 Whereas plaintiff's CLI court approved contracts
15 and two (2) court orders also approve that MNAT was to
16 be counsel to submit plaintiff's/CLI paperwork to the
17 DE BK Ct; and that those two (2) contracts and two (2)
18 court ordered approvals also assure that eToys would
19 Indemnify plaintiff and provide counsel.
20
21
22

23 Harms upon plaintiff and his business are direct
24 and proximate, and reasonably visible as results of the
25 bad faith, willful misconduct/*"gross"* negligence of Defendants who
26 have confessed (already) to doing acts of fraud on the
27 court; and have intentionally harmed plaintiff!
28

1 Due to Defendants never ending efforts in fraud on
2 the courts and/or their malicious, willful, consummate
3 bad faith/fraudulent commissions of wrongful acts, and
4 the many efforts in Retaliation, manifest injustice,
5 omission of facts, degree of reprehensibility and full
6 outrageous nature of their lies/fraud acts, plaintiff
7 is entitled to, and should be awarded, damages treble,
8 including punitive damages against each Defendant.
9

10
11
12 Litigants is further entitled to and should be
13 awarded a preliminary and permanent injunction that
14 enjoins Defendants, their agents, assigns and/or anyone
15 else acting in concert with them, including the MNAT
16 law firm, Xroads, Frederick Rosner, the Toys Industry,
17 Paul Traub, Barry Gold, Mitt Romney, Goldman Sachs,
18 Bain Capital, Colm Connolly, Michael Glazer and their
19 hence man Johann Hamerski, along with rogue elements
20 inside various federal agencies (such as Region 3 UST
21 Roberta DeAngelis and Mark Kenney and/or Douglas Kelley
22 and/or anyone in Minnesota involved with Fingerhut,
23 including Ted Deikel and his son Andy) from engaging in
24 efforts to stymie justice and assault upon plaintiff.
25
26
27
28

1 This also includes any media outlets owned by Bain
2 and/or in partnership with Bain and/or its Clear
3 Channel Communications 800 stations with an estimated
4 audience in excess of 100 million listeners. From doing
5 a campaign to nix the message by assault plaintiff as
6 the messenger/whistle blower about the many acts of
7 manifest injustice thus far pervasive in this case.
8

9 Also including an injunction against Bain from
10 doing further acts (like it purportedly did beguiling
11 American Bridge) and/or acts by Romney stalwarts such
12 as attorney Adam Bronin (who has been on a campaign to
13 assist the success of Romney, MNAT and Colm Connolly).
14

15 Plaintiff is entitled to treble damages and/or any
16 other thing this court should desire, in the interests
17 of justice, as a result of Trial by Jury, as set forth
18 above and below. Whereas plaintiff prays that it does
19 please the court to stop the insanity, willful
20 misconduct and/or "gross" negligent acts and Breaches
21 of Fiduciary Duties, where Defendants are betraying
22 their court approved clients and their client's trust
23 for the sake of secret (RICO Defendant) associates.
24
25
26
27
28

1 **NINTH Claim for Relief - COUNT IX**

2 (Civil Conspiracy)

3 (Against ALL RICO Defendants)

4
5 Plaintiff realleges and incorporates herein by
6 reference, every and each foregoing paragraph of this
7 "2nd Amended" Civil RICO Complaint, as if all above is
8 set forth here fully and completely.

9
10 During all relevant times pertaining to this case,
11 plaintiff is a person within the meaning of 18 U.S.C.
12 §§ 1961(3) and 1962(c).

13
14 At all times relevant, each/every RICO Defendant,
15 including John/Jane Doe's to be named later, are a
16 person within the meaning of 18 U.S.C. §§ 1961(3) &
17 1962(c).

18
19 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
20 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
21 types of "*Federal Corruption*" (including Civil Rights Fed
22 venality by "*Color of Law*") with various "*association in fact*"
23 units "*enterprisingly*" harming this plaintiff's business and
24 interest commerce.
25
26
27
28

1 Romney and his co-Defendants are employed and/or
2 "*associated*" with the "*enterprise*" that is harming, for many
3
4 years, "*interstate commerce*", with Defendants being the
5 "*culpable*" persons who are doing "*patterns*" of organized
6
7 crimes; which are visibly and secretly in violation of
8 multiple state and federal laws, with at least 1 year
9
10 of prison time, including "*predicate acts*" "*patterns*" of
11 "*racketeering*".

12 Romney and his co-Defendants were of and in place
13
14 in legitimate positions and/or entities that became the
15 /a *corrupt* Enterprise and have harmed victims and this
16
17 plaintiff's business.

18 Specifically, Defendants have in pairs and/or all
19
20 collectively, lied, cheated, stole, schemed, extorted,
21
22 perjured, corrupted, colluded, retaliated, bribed, did
23
24 benefit from federal corruption, of state and federal
25
26 frauds, bankruptcy fraud and/or other wrongdoings for
27
28 the sake of unjust enrichment; and harmed plaintiff's
business, property and other victims - as Defendants

1 continue to benefit lying, cheating and stealing by
2 criminal designs that obtain fraudulent judgments.

3
4 Defendants and their agents and/or assigns and/or
5 co-conspirators have knowingly misrepresented, omitted,
6 and/or concealed material facts in their pleadings and
7 representations before various State and/or United
8 States Federal Courts. Whereas their communications and
9 /or filings to state and/or federal government agents,
10 agencies, judges and officials were materially false,
11 deceptive, obstructive and more.

12
13 Defendants have collectively and/or separately been
14 (at least) part of billions of dollars in schemes of
15 (at the barest of minimums) against victims of Mattel/
16 TLCo merger, Stage Stores, Kay Bee, FAO Schwartz and
17 eToys.com; without showing any signs of relent.

18
19 As iterated above, with many items expressly in
20 detail, the RICO Defendants have engaged in RICO Acts
21 "predicate" and fraud, tortious interference with
22 contract, trespass of chattels for the sake of unjust
23 enrichment and other veiled agendas such as destruction
24 of plaintiff's business, while harming other victims.

1 Defendants have agreed and/or participated in many
2 common schemes, including the stymie/destruction of
3 this plaintiff's business; doing so intentionally! So
4 doing in furtherance of a plan and/or purpose to obtain
5 property from plaintiff (such as the eToys Scheme to
6 Fix Fees by taking monies unlawfully from eToys and
7 depriving litigant unlawfully, including "predicate acts" of
8 racketeering alleged herein. Doing so over many years.
9
10
11

12 Whereas, Defendants acts were direct and proximate
13 causation of material adverse harm, by conspiracy, of
14 overt acts that are not single aberrant acts of wrong
15 doing behavior; which are part of the torts committed
16 to cause plaintiff's loss of business by collusion,
17 corruption & conspiracy.
18
19

20 Litigant's business is harmed in overwhelming
21 fashion, with plaintiff's property stolen by plots and
22 ploys of unjust enrichment.
23

24 It is readily visible that Defendants have benefit
25 by their conspiracy due to wrongful acts of fraud that
26 are willful, including the deliberateness of omitting
27 the fact that Defendants are linked to one another.
28

1 Plaintiff, as a result of organized crimes wanton
2 acts of brazen, flagrant and blatant unlawfulness, is
3 entitled to be compensated treble damages for the acts
4 of actual harm and litigant should also be awarded
5 punitive damages as the court deems appropriate during
6 the course and conclusion of the jury trial.
7
8

9 This pursuer of justice is also entitled to and
10 should be granted preliminary and permanent injunctions
11 barring the Defendants, their law firms, parties, their
12 agents, assigns, from commencing, prosecuting, and/or
13 advancing in any way - that is direct/indirect - the
14 causes of escaping culpability/accountability by the
15 Defendants & their quest to harm plaintiff's business.
16
17
18

19 The injunctions temporary and permanent should also
20 bar Department of Justice personnel, such as Region 3
21 UST Roberta DeAngelis and/or her cohort Mark Kenney and
22 /or their cohort, cronies and associates from engaging
23 in acts of further protection of the conspiracies.
24
25

26 Whereas this court should also consider compelling
27 the DOJ UST and/or other agencies to answer for their
28 acts of being remiss given the profuse evidences.

1 Defendants should be compelled to publicly come
2 clean of their "association-in-fact", including that of
3 former U.S. Attorney Colm Connolly's failure to reveal
4 his direct links to "targets" of federal investigations
5 that he was a partner of and had clients involved.
6

7
8 Wherefore plaintiff seeks judgment, in a trial by
9 jury, against Defendants as detailed above and noted in
10 further detail below.
11

12 **TENTH Claim for Relief - COUNT X**

13 (Violations of State Laws With 1 year of Prison time)

14 (Against ALL RICO Defendants)

15
16 Plaintiff realleges and incorporates herein by
17 reference, every and each foregoing paragraph of this
18 "2nd Amended" Civil RICO Complaint, as if all above is
19 set forth here fully and completely.
20

21
22 During all relevant times pertaining to this case,
23 plaintiff is a person within the meaning of 18 U.S.C.
24 §§ 1961(3) and 1962(c).
25

26 At all times relevant, each/every RICO Defendant,
27 including John/Jane Doe's to be named later, are a
28

1 person within the meaning of 18 U.S.C. §§ 1961(3) &
2 1962(c).

3
4 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
5 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
6 types of "*Federal Corruption*" (including Civil Rights Fed
7 venality by "*Color of Law*") with various "*association in fact*"
8 units "*enterprisingly*" harming this plaintiff's business and
9
10 interest commerce.
11

12
13 Romney and his co-Defendants are employed and/or
14 "*associated*" with the "*enterprise*" that is harming, for many
15 years, "*interstate commerce*", with Defendants being the
16 "*culpable*" persons who are doing "*patterns*" of organized
17 crimes; which are visibly and secretly in violation of
18 multiple state and federal laws, with at least 1 year
19 of prison time, including "*predicate acts*" "*patterns*" of
20
21 "*racketeering*".
22

23
24 Romney and his co-Defendants were of and in place
25 in legitimate positions and/or entities that became the
26 /a *corrupt* Enterprise and have harmed victims and this
27
28 plaintiff's business.

1 Specifically, Defendants have in pairs and/or all
2 collectively, lied, cheated, stole, schemed, extorted,
3 perjured, corrupted, colluded, retaliated, bribed, did
4 benefit from federal corruption, of state and federal
5 frauds, bankruptcy fraud and/or other wrongdoings for
6 the sake of unjust enrichment; and harmed plaintiff's
7 business, property and other victims - as Defendants
8 continue to benefit lying, cheating and stealing by
9 criminal designs that obtain fraudulent judgments.

13 Defendants and their agents and/or assigns and/or
14 co-conspirators have knowingly misrepresented, omitted,
15 and/or concealed material facts in their pleadings and
16 representations before various State and/or United
17 States Federal Courts. Whereas their communications and
18 /or filings to state and/or federal government agents,
19 agencies, judges and officials were materially false,
20 deceptive, obstructive and more.

24 Defendants have collectively and/or separately been
25 (at least) part of billions of dollars in schemes of
26 (at the barest of minimums) against victims of Mattel/
27
28

1 TLCo merger, Stage Stores, Kay Bee, FAO Schwartz and
2 eToys.com; without showing any signs of relent.

3
4 As iterated above, with many items expressly in
5 detail, the RICO Defendants have engaged in RICO Acts
6 "predicate" and fraud, tortious interference with
7 contract, trespass of chattels for the sake of unjust
8 enrichment and other veiled agendas such as destruction
9 of plaintiff's business, while harming other victims.
10
11

12 Defendants have agreed and/or participated in many
13 common schemes, including the stymie/destruction of
14 this plaintiff's business; doing so intentionally! So
15 doing in furtherance of a plan and/or purpose to obtain
16 property from plaintiff (such as the eToys Scheme to
17 Fix Fees by taking monies unlawfully from eToys and
18 depriving litigant unlawfully, including "predicate acts" of
19 racketeering alleged herein. Doing so over many years.
20
21
22

23 Whereas, Defendants acts were direct and proximate
24 causation of material adverse harm, by conspiracy, of
25 overt acts that are not single aberrant acts of wrong
26 doing behavior; which are part of the torts committed
27
28

1 to cause plaintiff's loss of business by collusion,
2 corruption & conspiracy.

3 Litigant's business is harmed in overwhelming
4 fashion, with plaintiff's property stolen by plots and
5 ploys of unjust enrichment.
6

7 It is readily visible that Defendants have benefit
8 by their conspiracy due to wrongful acts of fraud that
9 are willful, including the deliberateness of omitting
10 the fact that Defendants are linked to one another.
11

12 On multiple occasions various Defendants have lied,
13 schemed, omitted, deceived, colluded, bribed, cajoled,
14 conspired to deceive, collude, with the intents to
15 deceive parties of interest and various states and/or
16 federal courts for the purpose of protecting, advancing
17 and further unjust enrichment by/of their organized
18 crimes in violation of state and federal laws across
19 the nation.
20

21 Including the State Courts in California concerning
22 eToys affairs, TLCo/Mattel and others issues (such as
23 Fingerhut, AOL and Kilroy Reality). Plus the NY Sup Ct
24 case of eToys (ebcl) v Goldman Sachs (#601805/2002).
25
26
27
28

1 Additionally, Defendants have perpetrated many
2 false oaths/declarations and/or affidavits to the DE BK
3 Ct, the Delaware District Court and Third Circuit Ct.
4

5 In each of those instances the Defendants were in
6 benefit of the various schemes of the Racketeers to lie
7 and cheat the integrity of the judicial processes.
8

9 Whereas these intentional patterns of collusion,
10 wrongdoings and law breaking, by false oaths, acts of
11 Perjury, conspiracy, Bribery, Scheme to Fix Fees and/or
12 schemes to rig the outcome of cases has harmed many
13 victims and plaintiff's business at direct material
14 adverse harms upon same and/or upon the entire nation
15 (such as Romney's lie to the entire nation by his fed
16 election custom Campaign Finance OGE 278 Form - and
17 most people are not aware that Romney went to a school
18 of law - and is well aware of what he is doing).
19
20
21
22

23 These willful acts of misconduct, negligence acts,
24 including gross negligence and Breach of Fiduciary Duty
25 in betraying court approved client's trust, also does
26 violates state laws for fraud, perjury including such
27 things as State Professional Codes of Conduct.
28

1 Whereas there are also many violations of State
2 Ethics/Judiciary laws as pertains to attorneys at law.

3 There are even times, when it does appear that
4 various co-conspirators did practice law in states of
5 where they were not admitted persons of the bar. Such
6 as Paul Traub traveling to Minnesota to work on the Tom
7 Petters issues; and his partner (Susan Balaschak) who
8 met with this plaintiff and Barry Gold in 2001; prior
9 to inserting Barry Gold unlawfully in as the eToys
10 post-bankruptcy petition eToys President/CEO. There's
11 no records that plaintiff has found of Traub/TBF being
12 admitted to the Minnesota and/or California Bar.
13
14
15
16

17 Whereas Defendants, including their direct linked
18 lawyers/law firms (such as Bain and Goldman Sachs and
19 Romney's firms of MNAT and Traub's TBF) did engage in
20 unlawful acts of intentional frauds on the court (where
21 Traub's TBF firm confessed such in the eToys case as
22 pointed out by the US Trustee's Disgorge Motion of Feb.
23 15, 2005 {eToys D.I. 2195} - that is a telltale of the
24 Traub/TBF "Response" of January 25, 2005 confessions of
25 deliberately letting deceiving issues before a court)!

1 As a result of the deceit, lies, collusions, fraud
2 and other bad faith conducts by the RICO Defendants,
3 this plaintiff has been injured in amounts, damages and
4 such that shall be established at trial (including, but
5 not limited to the estimated amount of \$3.7 million
6 dollars deprived of plaintiff/CLI in 2001).
7
8

9 Plaintiff is entitled to preliminary & permanent
10 injunctive relief and monetary damages against each and
11 every one of the Defendants, including treble damages
12 and should also include punitive damages.
13
14

15 Whereas, plaintiff pray the court for judgment, in
16 a trial by jury, as set forth above and below.
17

18 **ELEVENTH Claim for Relief - COUNT XI**

19 (Request for Declaratory Judgment that Defendants who
20 obtained their positions of trust by court(s) approval
21 are void "*ab initio*" and that all Judgments obtained by
22 same against Plaintiff are also void "*ab initio*" and
23 made of no effect & plaintiff be reinstated into eToys)
24
25

26 (Against ALL RICO Defendants)

27 Plaintiff realleges and incorporates herein by
28 reference, every and each foregoing paragraph of this

1 "2nd Amended" Civil RICO Complaint, as if all above is
2 set forth here fully and completely.

3 During all relevant times pertaining to this case,
4 plaintiff is a person within the meaning of 18 U.S.C.
5 §§ 1961(3) and 1962(c).

6
7 At all times relevant, each/every RICO Defendant,
8 including John/Jane Doe's to be named later, are a
9 person within the meaning of 18 U.S.C. §§ 1961(3) &
10 1962(c).

11
12 Romney's Gang(s) engage in "*Bankruptcy Ring*" and/or
13 "*Corporate Raiding*" and/or "*Political Election Ring*" and/or various
14 types of "*Federal Corruption*" (including Civil Rights Fed
15 venality by "*Color of Law*") with various "*association in fact*"
16 units "*enterprisingly*" harming this plaintiff's business and
17 interest commerce.
18
19
20
21

22 Romney and his co-Defendants are employed and/or
23 "*associated*" with the "*enterprise*" that is harming, for many
24 years, "*interstate commerce*", with Defendants being the
25 "*culpable*" persons who are doing "*patterns*" of organized
26 crimes; which are visibly and secretly in violation of
27
28

1 multiple state and federal laws, with at least 1 year
2 of prison time, including "*predicate acts*" "*patterns*" of
3 "*racketeering*".
4

5 Romney and his co-Defendants were of and in place
6 in legitimate positions and/or entities that became the
7 /a *corrupt* Enterprise and have harmed victims and this
8 plaintiff's business.
9
10

11 Specifically, Defendants have in pairs and/or all
12 collectively, lied, cheated, stole, schemed, extorted,
13 perjured, corrupted, colluded, retaliated, bribed, did
14 benefit from federal corruption, of state and federal
15 frauds, bankruptcy fraud and/or other wrongdoings for
16 the sake of unjust enrichment; and harmed plaintiff's
17 business, property and other victims - as Defendants
18 continue to benefit lying, cheating and stealing by
19 criminal designs that obtain fraudulent judgments.
20
21
22

23 Defendants and their agents and/or assigns and/or
24 co-conspirators have knowingly misrepresented, omitted,
25 and/or concealed material facts in their pleadings and
26 representations before various State and/or United
27
28

1 States Federal Courts. Whereas their communications and
2 /or filings to state and/or federal government agents,
3 agencies, judges and officials were materially false,
4 deceptive, obstructive and more.
5

6 Defendants have collectively and/or separately been
7 (at least) part of billions of dollars in schemes of
8 (at the barest of minimums) against victims of Mattel/
9 TLCo merger, Stage Stores, Kay Bee, FAO Schwartz and
10 eToys.com; without showing any signs of relent.
11
12

13 As iterated above, with many items expressly in
14 detail, the RICO Defendants have engaged in RICO Acts
15 "predicate" and fraud, tortious interference with
16 contract, trespass of chattels for the sake of unjust
17 enrichment and other veiled agendas such as destruction
18 of plaintiff's business, while harming other victims.
19
20
21

22 Defendants have agreed and/or participated in many
23 common schemes, including the stymie/destruction of
24 this plaintiff's business; doing so intentionally! So
25 doing in furtherance of a plan and/or purpose to obtain
26 property from plaintiff (such as the eToys Scheme to
27 Fix Fees by taking monies unlawfully from eToys and
28

1 depriving litigant unlawfully, including "predicate acts" of
2 racketeering alleged herein. Doing so over many years.

3
4 Whereas, Defendants acts were direct and proximate
5 causation of material adverse harm, by conspiracy, of
6 overt acts that are not single aberrant acts of wrong
7 doing behavior; which are part of the torts committed
8 to cause plaintiff's loss of business by collusion,
9 corruption & conspiracy.
10

11
12 Litigant's business is harmed in overwhelming
13 fashion, with plaintiff's property stolen by plots and
14 ploys of unjust enrichment.
15

16 It is readily visible that Defendants have benefit
17 by their conspiracy due to wrongful acts of fraud that
18 are willful, including the deliberateness of omitting
19 the fact that Defendants are linked to one another.
20

21
22 Plaintiff is entitled to declaratory judgment if it
23 is not unsuitable, will not increase burdens upon other
24 parties unfairly; because no court heretofore enjoys
25 the right or privilege to impose fraudulent judgments
26 upon this plaintiff.
27
28

1 Litigant also seeks declaratory judgment that the
2 most recent effort of Defendants wrongful settlement of
3 the eToys (ebc1) v Goldman Sachs NY Sup Ct case for a
4 mere \$7.5 million be put on hold.
5

6 Whereas MNAT has confessed that it did put forth at
7 least fifteen (15) erroneous bankruptcy Rule 2014/ 2016
8 Affidavits that did lie under oath and concealed the
9 fact MNAT had direct links to Goldman Sachs.
10
11

12 WHEREAS Goldman Sachs did take eToys public in 1999
13 and did push sideways most of the monies of the IPO to
14 associated parties of Goldman Sachs in a pump-n-dump/
15 Spinning fraud scheme; and MNAT was Goldman Sachs law
16 firm at the time.
17
18

19 Defendant MNAT, upon the success of the ruse upon
20 the parties of interest and the DE BK Ct, did not only
21 seek and receive permission to Destroy eToys Books and
22 Records; but did also nominate a co-conspirator/ fraud
23 party (Traub's TBF) to be the firm to prosecute the
24 Goldman Sachs entity in the New York Supreme Court.
25
26

27 All the while MNAT, with other Defendants did lie
28 and prevent the eToys shareholders from having counsel.

1 Hence, Goldman Sachs sued Goldman Sachs and the
2 loser of the case from the beginning, during and end is
3 the eToys public company and bankruptcy estate and its
4 court approved agent (this plaintiff/CLI).

6 Defendants schemes have caused lack of impartial
7 tribunals, lack of proper jurisdiction, contravene of
8 public policy, fraud upon the court, failure to act in
9 due process, Breach of Fiduciary Duty, judgments that
10 conflicts with sound logic/reason, including the bad
11 faith adjudication upon the merits.

14 Whereas the damage to victims and plaintiff is
15 readily visible; and plaintiff is entitled to various
16 multifaceted reliefs, including, but not limited to the
17 Declaratory Judgment, as well as both preliminary and
18 permanent injunctions against Defendants.

21 Due to the degree of reprehensibility and the vast
22 schemes and artifices to defraud, lie, cheat, steal and
23 conspiracies of the Defendants, plaintiff is entitled
24 to every available remedy, including treble damages and
25 should be granted punitive damages, in accordance with
26 the rules of equitable justice.

1 Most importantly, this court can begin the pathway
2 to justice and halting of the organized crimes (at
3 least as far as eToys federal estate is concerned) by
4 doing a proviso that is already federally court okayed
5 as part of the eToys Delaware bankruptcy "Confirmed
6 PLAN" of reorganization.
7
8

9 WHEREAS Barry Gold did sign his Confirmed PLAN
10 Administrator's Declaration to the federal bankruptcy
11 court in Delaware; and Barry Gold stated "Under Penalty
12 Of Perjury" that the PLAN was negotiated in "extensive"
13 arm's length between eToys Debtor and eToys Creditors.
14
15

16 Being that such was signed in the fall of 2002 when
17 the Defendants believed they had totally gotten away
18 100% 'Scot Free' with their organized crimes; but were
19 - INSTEAD - "caught red-handed" in lies under oath to
20 the DE BK Ct and parties of interests in 2004 and did
21 confess to the scheme of Traub's TBF inserting Barry
22 Gold inside eToys - AFTER - the United States Trustee
23 had forewarned them NOT to do that very crime. Where
24 such is not in doubt with the confessions of Responses,
25 Depositions and the March 1, 2005 Traub testimony.
26
27
28

1 With the further FACT that the UST *Disgorge Motion* does
2 reiterate the irrefutable issue that Paul Traub's
3 January 25, 2005 Response does admit that TBF was well
4 aware it had exposure do to the conflicting affidavit
5 in the Bonus Stores case; but that Traub's TBF firm
6 consciously decided to allow the lies to stand before
7 the court (thereby confessing to Fraud upon the Court)!

8
9
10
11 Whereas, no court can cavalierly permit deliberate
12 fracturing of the integrity of the judicial process to
13 enjoy liberty and slap on the wrist.

14
15 With the additionally compounding issues that Barry
16 Gold's January 25, 2005 Response provided his previous
17 hidden "Hiring Letter" that documents he received pay
18 of \$40,000 at a time as a burden upon eToys; and Traub
19 testified during direct examination by the court during
20 the March 1, 2005 evidence hearing - that his TBF firm
21 paid Barry Gold four (4) payments of \$30,000 each from
22 January 2001 to May 2001. Then those payments stopped
23 once Barry Gold was illegitimately placed inside the
24 eToys estate as post-bankruptcy petition President/CEO.
25
26
27
28

1 Hence, it is clearly obvious that the diametric
2 opposed requisite lines mandated by Congress became
3 moot by much schemes, lies and fraud on the court; and
4 those schemes and lies continue where MNAT, Barry Gold
5 and Paul Traub continue to conceal, by many more acts
6 of lies, deceits, omissions, Retaliations and other
7 such Frauds on the Court - their connections to Bain.

10 With the additional fact that the Confirmed PLAN
11 under the ludicrous ruse by the RICO Defendants that
12 Barry Gold is "extensively" arm's length from Traub. A
13 feat that is impossible to accomplish, due to their
14 incestuous relationships many (including the partnering
15 of Traub and Barry Gold in ADA); has clauses in it that
16 allows the Confirmed PLAN Administrator (Barry Gold)
17 settle all claims under \$1 million by only needing the
18 approval of the Creditors (counseled by Paul Traub).

23 Whereas the Confirmed PLAN has the provisos that
24 the Administrator is Forbidden to have Transactions
25 with Related persons.

27 Thus, as per eToys Confirmed PLAN part 5.2, the
28 PLAN Administrator can be removed for cause!

1 Whereas the RICO Defendants "believed" they had
2 gotten totally away 'Scot Free'; and therefore made the
3 eToys PLAN Administrator the sole, 100%, nearly fully
4 autonomous authority over all of eToys issues.
5

6 Additionally, most of the toy industry was informed
7 of these skullduggery schemes and artifices to defraud
8 and remained in abject silence due to the fact that
9 Romney's Bain wound up as the number one customer that
10 owns Kay Bee, FAO Schwartz, eToys and more - now all
11 placed under the Toys R Us umbrella. Therefore, almost
12 any and all of the creditors remaining who would vote
13 on Barry Gold's replacement are potentially duplicitous
14 parties culpable and probably to be held accountable.
15
16
17
18

19 With the undue influence and power of the RICO
20 Defendants over the DE BK Ct, this case is actually
21 (somewhat) blessed that eToys is a California housed
22 entity of origin; and ebc1 is still here in Southern
23 California. In the same manner that the RICO was able
24 to expunge good faith parties from Minnesota and Doug
25 Kelley then switched to become the Fed Receiver over
26 Petters; that can juxtapose justice back into form.
27
28

1 Additionally, Traub's TBF admittance included the
2 confession of intentionally deceiving the DE BK Ct.

3 This serious confession was then further compounded
4 by the UST Disgorge Motion detailing the fact that the
5 parties were forewarned not to do the conflicting act
6 of replacing key executives of eToys with anyone who
7 was connected to the retained professionals of eToys.
8

9 Not only did the parties (MNAT, Traub & Barry Gold)
10 ignore the federal police (UST) authoritative forewarn;
11 but they went ahead and did it in secret. Defendants,
12 MNAT, Barry Gold and Traub only came partially clean on
13 the issues; but continue to conceal the massive law
14 breaking issues of their direct links to Bain Capital.
15

16 Whereas MNAT as Debtor's counsel of eToys, along
17 with Traub as eToys Creditors attorney, both did gain
18 their court approval by these bogus affidavits; and did
19 then usurp this plaintiff's court approved executive
20 position in eToys - with the unlawful insertion of
21 Barry Gold inside eToys as the post-bankruptcy petition
22 filing President and CEO of Debtor eToys. Defendants
23 then ramped up their schemes & artifices to defraud.
24
25
26
27
28

1 Bribes were offered and taken, such as Barry Gold
2 getting \$10,000 extra above the \$30,000 at a time that
3 Traub's TBF was paying Barry Gold as he transitioned
4 from Defendant Romney's Stage Stores, working as the
5 director's assistant, where Defendant Glazer actually
6 was a Director. Doing so after Traub was already caught
7 for his failure to disclose conflicts of interest in
8 the Houston bankruptcy case of Stage Stores.
9
10
11

12 With MNAT already secretly working for Bain and
13 Goldman Sachs, and getting permission to Destroy the
14 eToys Books & Records, the Defendants then tried to
15 Bribe this plaintiff and failed.
16

17 Scrambling to protect their many schemes to destroy
18 private and public companies, while also fleecing the
19 federal bankruptcy estate of eToys, the Defendants then
20 ramp up their plots & ploys to include fed corruption;
21 by making one of their own (MNAT's partner Connolly) to
22 become the United States Attorney in Delaware on August
23 2, 2001 - at the same time Defendant Romney claims to
24 have "retroactively" retired from Bain. Then Connolly
25 refuses to investigate his former partners & clients.
26
27
28

1 Meanwhile the original massive unjust enrichments
2 from the TLCo merger with Mattel and Stage Stores being
3 funded by junk bond fraudster Michael Milken's money;
4 as the presiding judge over that case own wife is an
5 executive who is part of the Stage Stores formation.
6

7 Gaining more strength, power and undue influence in
8 the scope and depth of the RICO, the Defendants then
9 continue their organized crime sprees, while Traub's
10 TBF is purportedly being punished for his conflict of
11 interest violations in eToys.
12

13 Whereas Defendant Glazer, after gaining eToys by
14 deception, with Romney's Bain getting unlawful, fraud
15 by bankruptcy scheme, reduction of prices; did then pay
16 himself an \$18 million dollar bribe as he paid Bain \$83
17 million - before filing bankruptcy of Kay Bee Toys.
18

19 However, these obvious crimes aren't punished, even
20 after MNAT, Traub and Barry Gold confess lying under
21 oath in eToys; because MNAT is defending Bain in the
22 \$83 million preferential (likely fraudulent conveyance)
23 and Traub's TBF is the firm asking the DE BK Ct for the
24 permission to be the prosecutor of Glazer and Bain.
25
26
27
28

1 Doing so when this plaintiff is pointing out the
2 crimes to the Department of Justice in Delaware; but
3 being totally unaware (until 2007) that the US Attorney
4 in Delaware (Colm Connolly) is a direct link to the
5 "targets" of the (never happening) federal case.
6

7
8 As a result of the strength, undue influence and
9 power of the RICO, Assistant UST Frank Perch, who did
10 put forth the Disgorge Motion, vanishes from the DOJ.
11

12 Additionally, the DOJ Deputy Director, Lawrence
13 Friedman, who is head administrator of the EOUST in
14 Washington, D.C., after emailing promises to plaintiff
15 that his staff is on top of the case; chose discretion
16 over valor and resigns the EOUST upon being informed of
17 the additional skullduggery by the Defendants in the
18 Kay Bee case - as the RICO stalwart Mark Kenney puts
19 forth a Stipulation to Settle the Disgorge Motion.
20
21

22
23 Meanwhile, removed Region 3 UST Roberta DeAngelis
24 is surreptitiously promoted to the post (in secret) of
25 Acting General Counsel of the EOUST. Resultantly, this
26 litigant is handing evidences to EOUST/ US Attorney and
27 asking those parties to investigate themselves.
28

1 When plaintiff learns of these issues of federal
2 corruption and reports them to the DOJ, OPR, OSC, OGE,
3 FBI, Public Integrity Unit, SEC and a Public Corruption
4 Task Force in Los Angeles; the Task Force is Shut Down
5 and career federal prosecutors are threatened to keep
6 their mouths shut.
7
8

9 Encouraged by the facts that there is no federal
10 agent or agency potent enough to tackle Racketeering,
11 the organized crime spree continues and grows.
12

13 Defendant Romney has his Bain entity, armed with
14 massive unjust enrichment, acquire holdings creating an
15 empire great, including Toys R Us and Clear Channel
16 Communications (after losing a bid for the Wall Street
17 Journal). This gives Defendants the belief that their
18 boss Romney can actually become the President of the
19 United States. As it is during Romney's recent NetFlix
20 released video and interviews thereof that Defendant
21 Romney admitted that "they" stole the Republican Party
22 Nomination. Thus Defendants believed they could also
23 totally steal the national POTUS election. Especially
24 with Bain bribing American Bridge to bury Bain issues.
25
26
27
28

1 All of this empirical evidence that Romney's group
2 of Racketeers are so powerful that they are Above the
3 Law, due to federal corruption that - even when Colm
4 Connolly is going out of office - had the undue power
5 and influence to compel the SHUT DOWN of the Public
6 Corruption Task Force clear across the country. Such
7 did then encourage parties like Sheldon Adelson to give
8 vast tens of millions of dollars to support Romney's
9 POTUS quest. Including the mutual desire for a friendly
10 United States Attorney General.

11
12 This mutual effort included the 'Red Herring' film
13 of Newt Gingrich of the "King of Bain" that partially
14 pointed out the ruthlessness of Romney in the cases of
15 Stage Stores and Kay Bee.

16
17 Whereas the "King of Bain" film came from Gingrich,
18 who was funded by the same Sheldon Adelson; and the
19 film itself was produced by a former Romney aid.

20 **But Romney Didn't Make It!**

21
22 Even with that multi-billion dollar gamble/loss,
23 the Racketeering Gang continue to go forward and openly
24 do more crimes (such as Goldman Sachs settlement).

1 **Of Counts I through IV Claim for Relief:**

2 1. For general damages according to proof at trial,
3 trebled as per statute 18 U.S.C. § 1964(c);
4

5 2. For pre-judgment interest and penalties according
6 to statute; and
7

8 3. For fees and costs, including attorney fees, in
9 accordance with statute 18 U.S.C. § 1964(c).
10

11 **Of Counts I through IX Claims for Relief:**

12 4. For general damages according to proof at trial;

13 5. And for relief, in the court of equity, by a Trial
14 by Jury, as appropriate by Law, including, but not
15 limited to temporary restraining orders to halt the
16 Goldman Sachs settlement, any efforts to close the
17 eToys case, preliminary and permanent injunctions of
18 same, and an order barring the Defendants, their
19 agents, assigns, assignees, including the rogue
20 elements in various federal agencies (such as Roberta
21 DeAngelis and Mark Kenney), and/or anyone else, acting
22 in concert with the Racketeering Defendants, including
23 Goldman Sachs, Bain, the MNAT law firm, Ropes & Gray,
24
25
26
27
28

1 MNAT and/or any other person known (Gary Ramsey &
2 Johann Hamerski) unknown!

3
4 6. All such parties should be barred, injunctive, both
5 preliminarily and permanently, from commencing, doings,
6 engaging, prosecuting, or advancing their efforts in
7 any way, indirect and/or direct, to continue to prevent
8 plaintiff from getting back in control of eToys and
9 getting back what the Defendants have gained by unjust
10 enrichment acts of Obstruction, Bribery, False Oaths/
11 Declarations, Schemes to Fix Fees, Color of Law, Grand
12 Larceny, Collusion, Mail/Wire Fraud, Extortion, and/or
13 Perjury, Fraud on the Court, Conspiracy, Retaliation
14 and/or Intimidation Against Victim/Witnesses and/or any
15 other State and/or Federal Law Breaking Acts, including
16 those acts of federal corruption.
17
18
19
20
21

22 **On Counts V through IX Claim For Relief:**

23 7. For the Fifth, Sixth, Seventh, Eighth and Ninth
24 claims for relief, punitive damages, plus penalties and
25 interest, in the amounts proven at trial by jury, above
26 fees and costs.
27
28

1 **On Count X Claim for Relief:**

2 8. For general damages according to proof at trial,
3 plus treble, according to statute, under state laws of
4 CA, Penn., DE and NY (such as NY Judiciary Law § 487).
5

6 9. For General cost and fees reasonable, according to
7 the Law, as documented at trial, including attorney
8 fees.
9

10 **Of Count XI Claim for Relief:**

11
12 10. For Declaratory Judgment against the Defendants
13 and/or their agents, assigns, assignees, cohorts,
14 cronies, co-conspirators, law firms and/or rogue
15 persons inside various federal agencies, from being
16 ever more prevented from acts, contrary to law and/or
17 decency, in preventing plaintiff and his businesses,
18 including CLI from being compensated appropriately,
19 that the heretofore unjust judgments obtained by acts
20 of deceit, lies, omissions and/or any other thing,
21 against this plaintiff, by the RICO Defendants and/or
22 their agents, assigns and/or co-conspirators is to be
23 made void and of non-effect; and -
24
25
26
27
28

1 11. For just relief, equitable, as is permitted by
2 statute of appropriate/applicable law, including, but
3 not limited to, issuing of temporary restraining
4 orders, and preliminary and permanent injunctions -
5 including the removal of the bad faith Barry Gold as
6 Administrator of the eToys confirmed PLAN; and
7
8 reinstating plaintiff!
9

10 12. Whereas Defendants in their court approved places
11 of trust, including MNAT, Greg Werkheiser, Traub's many
12 firms, plus Frederick Rosner, Xroads LLC, Barry Gold,
13 Richard Cartoon, Michael Glazer and/or any other firm,
14 whether law firm or otherwise (such as Howard Elman's,
15 Sullivan and Cromwell, Pomerantz, Wachtel & Masyr) and/
16 or Irell & Manella, Ropes & Gray and/or any other
17 agent, agency, known or unknown, are now and forever
18 more barred from continuing their corruption of legit,
19 interstate commerce, by their patterns of Racketeering.
20
21
22

23 **As to All Counts, Causes of Actions, Claims for Relief:**
24

25 13. Plaintiff reserves his right to amend complaint as
26 evidence at trial may deem appropriate and seeks legal/
27 equitable relief as the court deems fit.
28

XVIII CLOSING REMARKS

1
2 As is noticeable by the fact of who the Defendants
3 are, named in this Complaint; this Racketeering case is
4 astonishingly unusual.
5

6 No one citizen can bring down such Machiavellian
7 entrenched empires; without exceptional authority,
8 unity and devotion to the serious issues at hand.
9

10 *Res Ipsa Loquitur*

11
12 As everything appears to sound more important when
13 said in Latin, "These thing(s) itself speaks" that;
14

15 There's no denying crimes were committed as MNAT,
16 Traub and Barry Gold have already confessed to lies
17 under oath to a chief federal justice. Including the
18 fact that Traub/TBF firm admitted to intentional fraud
19 on the court. It is also a fact that Traub's TBF paid
20 Barry Gold four (4) payments of \$30,000 prior to Traub
21 (having been warned by the Federal Police/UST against)
22 inserting Barry Gold inside eToys (unlawfully) as a
23 post-bankruptcy petition CEO. The Defendants did this
24 to usurp plaintiff for the sake of unjust enrichment.
25
26
27
28

1 What is most important about the "association in fact" is
2 the fact that the continuity of the "Bankruptcy Ring" RICO
3
4 pertains to Bain/Goldman Sachs eToys/Kay Bee frauds.

5 Whereas the UST, NY Sup. Ct, DE BK Ct and Appeals
6
7 Courts have all turned dubious blind eyes to the facts
8 undeniable about Defendants direct links to Bain and
9
10 Goldman Sachs schemes to destroy the eToys public
11
12 company and their conspiracy to devour the Kay Bee and
13
14 eToys bankruptcy estates.

15 Additionally, the Racketeers are testing new, but
16
17 obviously unethical, boundaries of the RICO, by expands
18
19 of federal venality in such cases as Petters Ponzi,
20
21 eToys, Kay Bee, Fingerhut and/or Polaroid vis-à-vis
22
23 inexplicable and intolerable *conscience shocking* plots
24
25 and ploys inanely bizarre.

26 There's no Constitutional provisos for willful
27
28 blindness of fed agents, agencies, justices. Nor are
29
30 there Deferred Prosecution Agreements Codes & Rules of
31
32 Law granting profiteering \$50 million No Bid contracts
33
34 to former Attorney Generals by current U.S. Attorneys.

1 These troubling matters are not just issues germane
2 to this plaintiff's instant case. They are issues of
3 reprehensible "*Color of Law*" assaults upon the spirit
4 and integrity of justice harmful to the good order of
5 society, by an assault upon the Constitution of the
6 United States, from enemies domestic and despotic.
7

8
9 These various by-products of the RICO are the
10 result of public servants betraying their public oaths,
11 quite probably, to do a favor for a POTUS wannabe (in
12 obvious hopes that their careers would advance).
13

14
15 Romney lied by a *flip flop* concerning his public oath
16 falsity concerning the fact that Mitt "**technically**" was the
17 CEO of Bain Capital, until (at least) August 2001.
18

19 Whereas Mitt is totally erroneous in his contention
20 upon his Federal Election Campaign Finance OGE 278 Form
21 (submitted Under Penalty of Perjury) and his claims he
22 had nothing to do - whatsoever - with Bain Capital in
23 any way, after February 11, 1999. Capone never would
24 have been allowed the defensive maneuver of claiming he
25 was "*retroactively*" retired from his organized crime spree.
26
27
28

1 Has our nation become more, or less advanced?

2 **Defendant Need Prove Indirect Benefit by the Preponderance of the Evidences**

3 Federal records detail the fact that Romney owned
4 Stage Stores and that Michael Glazer worked there.
5

6 It is also irrefutable that Barry Gold was the
7 director's assistant at Stage Stores who hired Traub.
8

9 Inexplicably, no one has ever been prosecuted (and
10 probably never even investigated) for \$3 Billion swindle of the
11 Mattel investors, in The Learning Company saga.
12

13 Enigmatically, it is not until 2013 that the New
14 York Times "Rigging the IPO Game" detailed the fact that
15 eToys NY Sup. Ct case v Goldman Sachs docket record is
16 placed "entirely" under SEAL.
17

18 Also, the NY Times article revealed the fact that
19 Goldman Sachs "did know" that the eToys.com stock price
20 would hit \$80 or more; and made bets about such; but
21 that eToys only received less than \$20 in a classic
22 "pump-n-dump" "Spinning" stock fraud scheme.
23
24

25 Michael Glazer paid himself \$18 million and Bain
26 \$83 million, before he filed Kay Bee's bankruptcy.
27
28

1 This crime was perpetrated, continuously to this
2 very day - AFTER - Traub, MNAT & Barry Gold had fleeced
3 the federal estate, and destroyed the public company of
4 eToys.com, by seizing the estate through Perjury and
5 fraud on the court; assisted by the federal corruption
6 of the placing of MNAT's Colm Connolly inside the DOJ's
7 U.S. Attorney's office in Wilmington, DE.

10 Romney admits he was "technically" CEO of Bain at
11 the time of these billions of dollars in fraud began
12 (in TLCo, Stage Stores, Kay Bee/eToys); but Mitt seeks
13 to escape his culpability and accountability due to his
14 purported "*retroactivity*".

17 Whereas the RICO Defendants are comfortable in
18 their schemes and artifices to defraud; which includes
19 patterns of Obstruction of Justice, by Destruction of
20 Evidences. Such as Romney's obliteration of his Olympic
21 Records and his Governor of Massachusetts hard drives.

24 During the interim between those two "cases", the
25 Defendants also conspired to Destroy eToys Books and
26 Records very early during the DE BK Ct case; which
27 helped both Goldman Sachs and Bain Capital's schemes.
28

1 During that same period of time (midyear-1999 to
2 August 2001 that Romney claims to be "retroactive", his
3 MNAT law firm had a partner named Colm Connolly.
4

5 This datum is irrefutable, being part of federal
6 archives at the DOJ's Office of Legal Policy website;
7 which is a Resume of Colm Connolly's MNAT and Delaware
8 U.S. Attorney tenures.
9

10 Romney claims to be retroactively retired from
11 August 2001 - back to February 11, 1999; and Connolly's
12 DOJ archived resume details the fact that Colm was an
13 Assist U.S. Attorney until 1999 (after clerking for
14 MNAT's former partner turned Senior Third Circuit
15 Justice Walter K Stapleton). Where Connolly then did
16 become an MNAT partner from 1999 until August 2001.
17
18
19

20 **The things speaks for itself!**
21

22 These items are inescapable. Connolly's Wilmington,
23 Delaware Dept. of Justice Prosecutors office never -
24 EVER - once informed this plaintiff that this pursuer
25 of justice was asking Colom Connolly and his staff to
26 review evidences, investigate and/or prosecute Colm's
27 former law firm partners and their clients.
28

1 For his entire seven (7) years as head prosecutor
2 over the cases submitted to Colm's office by plaintiff,
3 Connolly declined to investigate and/or prosecute.
4

5 Not only did the Defendants utilize the unjust and
6 undue influence and power of the RICO to arrange for
7 Connolly to become the head federal prosecutor as the
8 U.S. Attorney in Delaware on August 2, 2001. The RICO
9 conspirators also managed to arrange for the Chairman
10 of the eToys creditors committee and plaintiff (and his
11 CLI entity) to be forced out of their fiduciary posts.
12
13

14 Doing so after the Defendants unlawful insertion of
15 Barry Gold inside eToys as a post-bankruptcy filing
16 President and CEO.
17
18

19 This series of law breaks are extensively heinous
20 and egregious as documented by the fact that the U.S.
21 Trustee testified within the *Disgorge Motion* (parts 18, 19
22 & 35) that the parties were cautioned - in advance -
23 NOT to DO the very thing (insertion of any party that
24 is connected to the retained professions of the eToys
25 estate, to replace eToys fiduciary's) that the RICO
26 Defendants then went and did clandestinely!
27
28

1 Even though Defendants have now, most likely, did a
2 ramp of their destruction of all the evidences; the
3 fact of the matter remains that plaintiff's burden of
4 proof is to the "preponderance of the evidence" standard.
5

6 It doesn't matter how many bad public servants, DOJ
7 personnel, federal agents and/or justices that the RICO
8 Defendants are able to line up. Not only are the facts
9 undeniable, they're already indestructible.
10
11

12 Plaintiff is thankful for the brazen and flagrant
13 evidence trails and sheer stupidity of the Defendants,
14 due to their hubris, concerning their belief that their
15 RICO enterprising is so strong that they could lie to
16 the entire nation, under oath.
17
18

19 Defendants believe that their Racketeering power
20 will always be able to arrange for autocrats to line up
21 and stipulate that there's no merits to this case.
22

23 Whereas, each and every act of corruption will
24 stand as empirical evidence against the Racketeers and
25 their despots, once this case goes to trial.
26

27 There remains NO REASONABLE DOUBT that crimes HAVE
28 transpired, AS confessions are in the public record.

1 What remains to be seen, is how many more times
2 will others (now that Romney's POTUS hopes appear to
3 have been in vain) will be willing to so brazenly and
4 flagrantly get behind a Capone type boss with a John
5 Gotti hubris "I can't ever be convicted" mentality.
6

7
8 Sooner or later - the extensively heinous and
9 egregious blanket of unjust cover ups will no longer be
10 able to handle the Mount Everest high house of cards.
11

12 Being that Defendant Romney has bragged much about
13 the fact that his empire of wealth chiefly comes from
14 Bain Capital.
15

16 Hence, as Bain has obviously profited from profuse
17 schemes & artifices to defraud (**predicate acts**); there thus
18 remains no doubt that Romney benefited from fraud!
19

20 **Merry-Go-Round of Pretense Prosecutors Pretending to Prosecute Each Other**
21

22 MNAT has confessed the firm lied about its links to
23 GE and Goldman Sachs, in order to become the DE BK Ct
24 approved attorney at law for eToys.
25

26 Paul Traub and Barry Gold confessed that they are
27 partners with each other in ADA; and that TBF paid
28 Barry Gold four (4) payments of \$30,000 each in 2001.

1 To this very day, in spite of the DE BK Ct's Opine
2 of October 4, 2004 (eToys D.I. 2319) stipulating that
3 any further acts of conflicts of interests may result
4 in sanctions; it remains a fact - **irrefutable** - that MNAT,
5 Barry Gold and Traub all have relationships with Bain,
6 Kay Bee, Romney and Glazer.
7

8
9 MNAT is required by Law & Professional Codes of
10 Conduct/Ethics, to defend eToys against Barry Gold and
11 Traub.
12

13 Barry Gold is to defend eToys and equity holders
14 from Traub and MNAT.
15

16 TBF, owned by Traub, is required by Law and ethics,
17 to protect his clients (usually all the creditors) from
18 the bad faith acts of Barry Gold, MNAT, Werkheiser and
19 Colm Connolly.
20

21 Instead, the conspiring RICO Defendants circle the
22 wagons and pretend they are opponents of one another;
23 whilst they also feign that they are prosecuting each
24 other. Doing these conspiracies to benefit from many
25 Plots to Fix Fees, Retaliations, via profuse lies under
26 oath (Perjuries) against clients, Victims & Witnesses.
27
28

1 MNAT and Barry Gold then nominated Traub's TBF firm
2 to prosecute their secret client - Goldman Sachs - in
3 the NY Sup Ct case of eToys (renamed ebcl).
4

5 Resultantly, Goldman Sachs is - *in essence* - suing
6 Goldman Sachs.
7

8 During the same period of time, MNAT represents
9 Bain of the \$83 million Kay Bee pre-bankruptcy petition
10 filing preferential (probable fraudulent conveyance).
11

12 At the same time Traub (via TBF) petitions the DE
13 BK Ct visiting justice for permission to have Traub's
14 firm prosecute Glazer and Bain. And, as usual, failing
15 to disclose the facts about Traub's direct conflict of
16 interest to Barry Gold, Glazer and Romney.
17

18
19 Meanwhile, Barry Gold signs the absolutely inane
20 Confirmed PLAN Administrator's Declaration, stipulating
21 fallaciously that the eToys PLAN was negotiated in
22 "**extensive**" arm's length between Debtor (Barry Gold) and
23 Creditors (Paul Traub).
24
25

26 Defendants, obviously drunk upon high, of their
27 success, actually draft an Order for the DE BK Ct to
28 sign that also contains the "**extensive**" premise.

1 Inside the schemes and plots are more artifices
2 and ploys to get back to Romney and his Bain, the tens
3 of millions of dollars that plaintiff/CLI did compel
4 them to cough up and pay, in order to outbid good faith
5 eToys bankrupt asset bidders.
6

7
8 Whereas Stage Stores was Co-Debtor with Liquidity
9 Solutions. Upon the success of the illegal insertion of
10 Barry Gold inside eToys (1st as President/CEO and then
11 as Confirmed PLAN Administrator), Defendants MNAT and
12 Traub arranged for Liquidity Solutions and its cohort
13 Madison Liquidity to be able to acquire eToys claims
14 without disclosing the "insider" connections.
15
16

17 Then the Defendants drafted a proviso for Barry
18 Gold as the Confirmed PLAN Administrator, never needing
19 the DE BK Ct permission to settle claims of \$1 million.
20
21

22 As a (scheme) protocol, the Defendants arranged
23 that the PLAN Administrator (Barry Gold) need only to
24 receive the eToys Creditors permission (represented by
25 Barry Gold's secret partner Mr. Traub), to settle the
26 Liquidity Solutions acquired claims of less than \$1
27 million actual cash, without any proper court review.
28

1 At the same time, the eToys shareholders were being
2 plotted against by the profuse acts of skullduggery as
3
4 - each and every time the equity holders did seek a lawful committee and estate
5 paid for counsel - the Defendants firms, agents and/or their
6 co-conspirators Objected to eToys shareholders lawful
7 right of protection; under the pretense that those
8 parties were being protected by the RICO Defendants!
9

10
11 Not only is the most recent frauds upon multiple
12 courts causing additional material adverse harms; but
13 our nation suffered a bogus Presidential Election, due
14 to the fact that racketeering reinvested monies made it
15 easy for Bain to acquire Clear Channel stations.
16

17
18 Whereas those 800 stations, with 100 million plus
19 listening/audiences, includes such powerhouse/influence
20 of Glenn Beck, Sean Hannity and Rush Limbaugh. Those
21 parties would have lost millions in income if they
22 dared to publicize the facts of Romney's unjust gains.
23

24
25 Additionally, it is publicized that Bain also paid
26 the Democrat research arm of American Bridge, to make
27 sure certain issues of Bain & Romney remained a secret.
28

1 Whereas it is telltale enough that no entity was
2 willing to report the eToys saga. Including the **King of**
3 **Bain** documentary film by Newt Gingrich probably being a
4 'Red Herring' scheme to "test" the RICO's ability, in
5 the beginning of Romney's POTUS quest (which was funded
6 by Sheldon Adelson and produce by a Romney aid).

9 Inside the September 2012 Rolling Stone cover story
10 of "Greed and Debt" The True Story of Mitt Romney and Bain Capital did
11 detail the more serious issues of the Stage Stores and
12 Kay Bee cases; but dared not to speak out concerning
13 the condemning evidences in the eToys/TLCo cases.

16 Even after Romney lost his POTUS quest, he now
17 continues to seek to get back into the political arena
18 and has put forth a new film documentary making himself
19 out to be a "nice guy. Doing so with the propaganda
20 machinations of Mitt's Bain Capital 800 Clear Channel
21 Communications stations stating Romney is okay.

24 Defendants collaborated with the DE BK Ct and Clerk
25 to join the fray; which had, in essence, engaged in the
26 protecting of the RICO's schemes for a decade already.
27
28

1 Whereas, upon reception of this plaintiff's Motion
2 from this naming Romney as the boss of the "Bankruptcy
3 Ring" gang and detailing the issues of mayhem; the DE
4 BK Ct and Clerk of Court simply withheld the October
5 24, 2012 received Motion - out of the public docket
6 record (and eyes of press/public) - until November 6,
7 2012 (the very day of the POTUS election).

10 Though Romney's billion dollar gamble failed, the
11 RICO Defendants remained undaunted. Whereas, the DE BK
12 Ct held a hearing concerning plaintiff's Motion; but
13 the court turned control of the hearing over to MNAT.

16 Then, MNAT proceeded to falsely stipulate (as a
17 continuous fraud upon the court) that there were NO issues new
18 for the DE BK Ct to address (whilst MNAT, Frederick
19 Rosner, Barry Gold and the corrupt persons in the DE
20 DOJ sat in abject silence about the fact that MNAT,
21 Barry Gold and Paul Traub have never - EVER - revealed
22 the fact that they are all connected to Bain/ Kay Bee
23 {purchaser of the eToys.com bankruptcy estate assets}).
24 This is irrefutable proof of the RICO's continuity!

1 Then the DE BK Ct endeavored to punish plaintiff
2 and assure further success of the RICO; by permanently
3 expunging plaintiff from the eToys case.
4

5 Whereas, in fact, this act of bad faith actually
6 liberated this pursuer of justice from the bondage of
7 having to go to the same bully that has been beating
8 upon plaintiff and other victims for a decade plus.
9

10 Further emboldened that the RICO Enterprise would
11 never be brought to justice, though MNAT is forbidden
12 by Law, the firm has (once again) engaged in conflict
13 of interest "*Bankruptcy Ring*" ("*predicate act*") felony/ crimes
14 concerning MNAT's other client Goldman Sachs.
15
16

17 Whereas, MNAT (**belatedly**) revealed the fact that the
18 MNAT law firm is connected to Goldman Sachs.
19

20 Therefore, MNAT is forbidden by law to sign a Barry
21 Gold Confirmed PLAN Administrator approval of a paltry
22 \$7.5 million settlement of the NY Sup. Ct case of eToys
23 (ebc1) v Goldman Sachs (case # 601805/2002).
24
25

26 And - at the same time - Barry Gold is Forbidden to
27 have Transactions with Related Persons.
28

1 As the Confirmed PLAN Administrator Barry Gold is
2 *illicitly* giving some of the \$7.5 million Goldman Sachs
3
4 settlement to his now known partner Paul Traub. The
5 RICO Defendants are well aware how many laws they broke
6 and simply don't care how many more they break!
7

8 Whereas, it is a fact now, in the public docket
9 record, that the \$7.5 million, plus \$1.1 million that
10 was there, is now reduced to less than \$5 million.
11

12 In TLCo, MNAT was on the same side as Romney, Bain
13 and Mattel; but in eToys MNAT pretends to be opposite.
14

15 Of the Stage Stores saga, crimes therein in need of
16 its own federal investigation (starting with the fact
17 that Romney funded it from Michael Milken's judge whose
18 wife was a partner in the deal); Romney owned it, Mr.
19 Michael Glazer was (then) a co-director (now its CEO),
20 and Barry Gold was the director's assistant (who did
21 hire Traub/TBF).
22
23

24 Then, all those parties run over to eToys and make
25 a big show of pretending to be opponents of one another
26 until they get "caught red-handed" in their many acts
27 of Perjury in 2004/2005, by plaintiff's *Smoking Guns*.
28

1 Since a Power Point Presentation of connections,
2 laid page after page, upon one another - would already
3 appear to be opaquely black, Defendants Traub, MNAT and
4 Barry Gold reduce the sales price of eToys assets to
5 Romney/Bain - Glazer/Kay Bee. Doing so while Barry Gold
6 and MNAT nominated Traub's TBF firm to prosecute the
7 Goldman Sachs case in NY Supreme Court.
8

9
10 Even after the US Trustee's *Disgorge Motion* seeks to
11 punish (only Traub's) TBF for \$1.6 million; and points
12 out the fact that the parties were "*forewarned*" NOT to
13 replace key personnel of eToys with anyone connected to
14 them. Issues compounded by the fact that Traub's TBF
15 firm actually confessed to the deliberate scheme of
16 leaving the lies stand before the court; and the UST's
17 Disgorge Motion concluded this was enough proof (given
18 the vast experience of TBF in complex bankruptcies
19 prior to eToys in 2001) of Fraud upon the Court.
20
21
22
23
24

25 Whereas, any reviewer should bear in mind the fact
26 that the UST's TBF Disgorge Motion came to a conclusion
27 of fraud on the court, without proof of other crimes.
28

1 During that time of Traub's TBF reportedly being
2 "punished" for the eToys failure to disclose a serious
3 conflict of interest (about Barry Gold only); the RICO
4 Defendants were so secure (having the ace in the hole
5 of Colm Connolly as head federal prosecutor in DE) that
6 they continued perpetrating a fraud on the court and
7 massive grand larceny to the tune of \$100 million upon
8 the Kay Bee bankruptcy case.
9
10
11

12 Whereas it is an open case docket record that MNAT
13 represents Bain concerning the \$83 million that Glazer
14 shelled out when Michael Glazer paid (Bribed) himself
15 \$18 million. Doing so while Traub and Barry Gold's ADA
16 firm is also double dipping the case; and Traub's TBF
17 has the unmitigated gall to ask that DE BK Ct presiding
18 over the Kay Bee case, for permission to have Traub's
19 TBF prosecute (his cohorts) Glazer and Bain.
20
21
22

23 Capone is rocking in his grave jubilantly at how
24 much our nation has advanced to the point of organized
25 crime being able to steal tens of millions, hundreds of
26 millions and billions; simply by the parties pretending
27 to be opponents and prosecutors being a pretender!
28

1 *Profuse Efforts in Nolle Prosequi*

2 Intolerably, there are manifest injustice efforts
3 by federal agents, agencies and justices, consummate in
4 willful blindness/"Color of Law" refusals to prosecute;
5 which fostered a nationwide expansion of racketeering
6 Enterprising and its colossal organized crime sprees.
7

8 It was the one and same Third Circuit Court over
9 the DE BK Ct that reiterated Congress's intent to put
10 an end to the detrimental practices of Bankruptcy Law
11 firms becoming "*Bankruptcy Rings*", at the materially adverse
12 harm of their court approved clients.
13

14 As noted of the case of *In re Arkansas* (that was most
15 recently cited by the UST's "expert" Roberta DeAngelis,
16 {as twice Region 3 US Trustee and also General Counsel
17 of the EOUST)) - heretofore, Congress made it mandatory
18 for attorneys at law to disclose their conflicts of
19 interests to the courts.
20
21

22 Whereas, attorneys at law now may only gain their
23 lucrative bankruptcy cases after getting approval by
24 the court's to become an officer thereof, as counsel.
25
26
27
28

1 Roberta DeAngelis obviously has motivation to harm
2 this plaintiff; and continues, fiendishly, to cover up
3 her own failures to perform her fiduciary duty.
4

5 On Dec. 22, 2004 - Roberta DeAngelis was removed as
6 Region 3 UST.
7

8 That is the very same day as the eToys Emergency
9 Hearing (documented by transcript as eToys D.I. 2000);
10 which was to address the *Smoking Gun* evidences that this
11 plaintiff did ferret out to provide ironclad proof of
12 MNAT, Traub and Barry Gold's deceits.
13
14

15 Plaintiff had engaged in discussions with EOUST
16 Director Lawrence Friedman, about the fact of Roberta
17 DeAngelis was the UST's expert who had gone before
18 Congress, earlier in 2004, concerning the issues of
19 bankruptcy fraud and bad faith of counsels in cases.
20
21

22 Unfortunately, this litigant had hired Michael
23 Weiss as California counsel, who did hire the Delaware
24 local firm of Rothschild, to pursue issues of Roberta
25 DeAngelis.
26

27 Whereas, no one informed plaintiff that Roberta
28 DeAngelis had been an associate of the Rothschild firm.

1 Then, as if that wasn't enough, plaintiff replaced
2 Weiss and Rothschild with Brad Brook & the Bayard Firm.

3 Complainant learned later that the Bayard Firm was
4 representing Back Bay Capital.
5

6 Barry Gold was illegally working the eToys and Kay
7 Bee case; and also worked with Back Bay Capital.
8

9 It is also telltale that all of plaintiff's law
10 firms, including Henry Heiman, did threaten this
11 litigant of Traub's TBF firm warnings to "**back off**" from
12 any further pursuits of justice; - or Else!
13
14

15 Outside of the mayhem and worse issues, it is
16 greatly illuminating that the UST **Disgorge Motion** is at the
17 direction of former Assistant UST Frank Perch, who
18 mysteriously vanished after detailing the facts that
19 the Defendants were **forewarned** NOT to replace any key
20 executives of eToys with anyone connected to the DE BK
21 Ct approved law firms.
22
23
24

25 Mr. Perch had concluded in the Disgorge Motion
26 (without having the details of the hundreds of millions of dollars and profuse
27 "predicate act" crimes now known to anyone willing to look) - that
28

1 Paul Traub's illicit insertion of Barry Gold was a
2 premeditated act of Fraud upon the Court.

3
4 Thereafter, efforts in nolle prosequi (refusal to
5 prosecute) transpired. UST's trial attorney Mark Kenney
6 upped the ante with Traub/TBF "*Stipulation to Settle*".
7

8 When this plaintiff quickly ferreted out the \$100
9 million Kay Bee case frauds and the alarming fact that
10 MNAT, Traub/TBF and Barry Gold all had undisclosed
11 links to Bain/Kay Bee; DOJ Deputy Director Lawrence
12 Friedman of the EOUST in Washington, D.C. then took the
13 discretion over valor pathway and resigned (and he too –
14
15 **joined the dark side engaging in Bader Co. Off Shore/IRS frauds**) .
16
17

18 Mark Kenney had already worked arduously to make
19 sure MNAT, Traub and Barry Gold weren't brought before
20 a federal investigation. Mr. Kenney's Breaches of his
21 Fiduciary Duty is unrelenting.
22

23 In the Kay Bee case, Mr. Kenney had the DE BK Ct
24 strike and expunge plaintiff's efforts to inform "that"
25 court of the frauds on the court. (Quite possibly due
26 to the fact that the RICO Defendants and autocrats were
27
28

1 already aware that Colm Connolly was a corrupt federal
2 prosecutor whom plaintiff was giving all the evidences
3 to - at the same time that litigant was giving copies
4 of the proofs to the "Acting General Counsel" of the
5 EOUST in Washington, D.C. {the one and only Roberta
6 DeAngelis}).
7
8

9 It is also telltale that there's NO UST Press
10 Release on DeAngelis promotion until 2007!
11

12 Meanwhile, the EOUST has sent a couple of letters
13 to plaintiff. One such communique surreptitiously is
14 void of any notes of the fact that Roberta DeAngelis is
15 "Acting General Counsel" of the EOUST.
16

17 The EOUST stipulates, via its Office of General
18 Counsel, that the UST can neither confirm, nor deny -
19 any official federal investigation of the matter.
20

21 At the same time, the SEC's Bankruptcy Fraud Task
22 Force in Atlanta, along with the NY AG's office, called
23 this plaintiff. As if they were both reading from the
24 exact same script; the Eliot Spitzer's NY AG's office
25 informed complainant that their offices can be of no
26
27 assistance.
28

1 Then the SEC's Bankruptcy Fraud Division in Atlanta
2 stated that Mark Kenney informed them there was no need
3 to send an "Official Intergovernmental Letter Recommending an Official
4 Investigation" (under the purported guise that Mark Kenney
5 hadn't realized all the crimes were transpiring at the
6 same time - and that Mr. Kenney would take action).
7

8
9 Proof of intentional fraud on the court is already
10 a permanent part of the public docket record. Made so
11 during the March 1, 2005 evidence hearing.
12

13
14 Then the DE BK Ct then takes more than six (6)
15 months contriving the *Opinion* of October 4, 2005 (eToys
16 D.I. 2319). The DE BK Ct stipulates therein that No
17 Perjury transpired (though already confessed).
18

19 In spite of the DE BK Ct's own *Opinion* stipulating
20 that it would be wrong to punish a plaintiff and reward
21 conflicted attorneys; the DE BK CT does such, religiously.
22

23 Taking abuse of discretion to a whole new level of
24 expertise, the DE BK Ct also stipulated in its Opinion
25 that it was "too late" to disqualify the MNAT law firm;
26 because the eToys case was over.
27
28

1 And yet, here we are in already in 2014, nine years
2 later, with the same cases still open.

3 Complicating the efforts in **refusal to prosecute** further,
4 the DE BK Ct affirms the MNAT forgery as valid (after
5 MNAT had already confessed lying under oath) - and the
6 DE BK Ct absurdly rules that plaintiff did put forth a
7 "Haas Affidavit".
8

9 Ridiculously, the DE BK Ct concludes this litigant
10 "waived" plaintiff/CLI's rights to compensation.
11

12 When this complainant endeavors to inform the DE BK
13 Ct of the fact that the "**Haas Affidavit**" is a forgery and
14 that it doesn't even state (in only 2 pages) what MNAT
15 claims it does. (Please see eToys D.I. 816 items 10 &
16 11 thereof - stating CLI is entitled to "success fees/
17 commissions" as per the DE BK Ct approved contracts -
18 {upon receiving the {bogus} permission of extensive"
19 arm's length/good faith negotiations between the Debtor
20 (Barry) and Creditors (Traub)).
21

22 Regardless of the glaring facts, the DE BK Ct still
23 rules that CLI is not entitled to compensation.
24
25
26
27
28

1 Then, when this plaintiff and the eToys shareholder
2 Robert Alber appeals these abuses of discretion; the DE
3 BK Ct actually holds a December 1, 2005 Hearing on -
4
5 **whether or not** - the appeal of the DE BK Ct's decision/
6 Opinion/ corresponding order, will be allowed.
7

8 Various, timely, appeals occur; but are thwarted by
9 one of THE most telltale revelations of the DOJ's UST's
10 office.
11

12 Whereas, in the Third Circuit appeal case of eToys
13 shareholder (after DE Dist. Court Justice KAJ dismissed
14 plaintiff's appeal with a two sentence opine that gave
15 no valid reasoning), Robert Alber case (# 07-2360); the
16 UST's very 1st footnote therein sums up this whole case
17 entirely; stating the *nolle prosequi* maxim.
18
19

20 It takes four United States Trustee experts to
21 defeat the appeal. Whereas Mark Kenney, along with his
22 co-counsel Mr. Sutko and Assistant U.S. Trustee Andy
23 Vara (the specialist who proffered the In re Cold Metal
24 Aarque case on which parties may be approved as a
25 Professional Person under Section 327(a)); and the one
26
27
28

1 and only "Acting EOUST General Counsel" Roberta DeAngelis
2 (after plaintiff "ousted" her). They are all upon the
3 Third Circuit Appeal Court record stipulating the fact
4 that - the UST Did NOT and Will NOT address MNAT issues.
5

6 At the same time, this plaintiff did become aware
7 (in 2007) of the fact that Robert DeAngelis was the GC
8 of EOUST - while this litigant was sending evidences to
9 her office.
10

11 Plaintiff also learned of the fact that Colm F
12 Connolly, the US Attorney in Delaware (who plaintiff
13 had been sending files to for years), was actually an
14 MNAT partner.
15

16 Upon the proof of Connolly's failure to disclose
17 one of THE most serious conflict of interests issues;
18 litigant filed a 18 U.S.C. & 3057(a) Complaint on December 7,
19 2007, with the Los Angeles U.S. Attorney (head of the
20 Public Corruption Task Force).
21

22 Twelve (12) weeks later, when the answer was due
23 and hadn't been received; plaintiff began to complain
24 loudly to various federal agents/agencies.
25
26
27
28

1 At the direct detriment to the entire nation and
2 the federal systems of justice, the Los Angeles Times
3 reported in March 2008, in the story that is titled
4 "Shake-up roils federal prosecutors"; that the DOJ's Los Angeles
5 Public Corruption Task Force was SHUT DOWN and career
6 federal prosecution staff were actually "threatened" to keep their mouths
7 shut as to the reasons why .

8
9
10 As a result of that clearly consequential event,
11 with the incongruous excuse by the Los Angeles U.S.
12 Attorney stating there were "NO" public corruption
13 cases to prosecute. This was the first time - EVER -
14 that FBI agents actually contacted this plaintiff.

15
16
17 Senator Feinstein's office had discussions of the
18 subject and did send "Acting" U.S. Attorney General
19 Mike Mukasey a publicized letter of her concerns about
20 the dismantling of such an integral part of protection.

21
22
23 There's NO publicly published response by USAG
24 Mukasey; and no publication of any fed investigation
25 into these massive, organized, crimes sprees.

26
27
28 But there is a letter of December 18, 2013, by the
EOUST in Washington, D.C. (responding to plaintiff's

1 fax in the fall of 2012). Whereas the EOUST does state
2 that it made the [yearlong] inquiry of the matter to
3 the (very) persons being investigated.
4

5 Whereas, the very temporary - (in need of annual
6 approval of renewal) US Trustee agency in charge of, on
7 average, policing 1.5 million bankruptcies; stipulates
8 that its extensive research concludes there's no merit
9 to this plaintiff's contentions - whatsoever.
10

11 Obviously that extensive, year-long investigation
12 failed to look up the Confessions of more than thirty-
13 three lies under oath (after doing a premeditated
14 scheme of fraud on the court that RICO Defendants were
15 told - in advance - NOT to do; but went ahead in secret
16 and did anyway).
17

18 Whereas, the eToys Debtor's counsel, creditors law
19 firm and their post-bankruptcy petition filing inserted
20 (but consciously choosing NOT to apply to the DE BK Ct) President/CEO
21 of eToys, all having direct, public court documented
22 record proof of connections to the buyer of the eToys
23 federal estate assets; has no merit/or worth for the
24 Executive Office of United States Trustees!
25
26
27
28

1 Whereas the Executive Office of United States
2 Trustees are now upon the public record stating that a
3 bankruptcy petition filer like Michael Glazer can pay
4 himself \$18 million and his controlling company Bain
5 Capital \$83 million. Because the UST have no opinion on
6 the matter that such was done before the bankruptcy
7 filing of Kay Bee.
8

9
10 Nor does it matter to the extremely experienced and
11 extensively brilliant geniuses of the Executive Offices
12 of United States Trustees that Paul Traub's TBF firm
13 confessed to deliberately leaving the eToys bankruptcy
14 Rule 2014/2016 (at least seventeen {17}) erroneous
15 affidavits in the record (that TBF confessed of during
16 its "Response" of January 2005 {eToys D.I. 2171}).
17
18

19 Because the United States Trustees find it of no
20 consequence that the Defendants confessed intentionally
21 leaving lies to stand before the DE BK Ct. Deliberate
22 acts of fraud upon a court have NO Merit/or worth to
23 the Executive Offices of the United States Trustee.
24
25

26 Whereas, the abduction of plaintiff's daughter, the
27 "judicial immunity" of Petters counsel (turned Fed Receiver
28

1 and then turned bankruptcy Trustee). During the period
2 of time when the feds and receiver never did seize
3 Fingerhut (*funded by Goldman Sachs and Bain*) ; but did nab
4 Polaroid (and then sold it in a sham process to the 2nd highest bidders of
5 Gordon Brothers/Hilco who are both Traub's client and immediate gave him back
6 owning part of Polaroid as co-principal of Gordon Brothers). All of which
7 doesn't have ANY Merit/or worth to the geniuses at the
8 Executive Offices of United States Trustee's.
9

10
11
12 Marty Lackner being involved in the Tom Petters
13 Ponzi, is of no merit or worth either. Especially given
14 the fact that there's no report of Marty ever being
15 considered a suspect in the case.
16

17
18 A federal debacle, by the way, that is reported as
19 being just \$3.7 billion (though Mike Catain said he laundered \$10
20 billion, the Witness Protection Program person Larry Reynolds stated he
21 laundered \$12 billion – while in Las Vegas; and the Polaroid Trustee Stobner has
22 gone upon the public record stipulating the Tom Petters Ponzi is more than \$40
23 Billion) .
24

25
26
27 All such doesn't warrant any Merit/Worth to the
28 Executive Offices of United States Trustee's.

1 Nor is it of any merit or worth to any unit of the
2 Department of Justice; in the age where many wonder how
3 in the heck Madoff and Petters could get away with it
4 all for so long. Where the simple answer could be the
5 obvious fact that Marty Lackner was the brother of
6 Minnesota Assistant U.S. Attorney J. Lackner {former
7 head of Criminal Division}).
8

9
10 Because the Mandatory Victims Restitution Act
11 ("MVRA") doesn't apply - so why should anything else!
12

13 Whereas, we'll never know what Marty Lackner knew;
14 because he purportedly committed suicide and John/Jack
15 Wheeler hit his own head and threw himself in the dump
16 while Robert Alber shoot and killed a ghost.
17

18
19 Because all such issues of consequence to any good,
20 decent, moral, and ethical - PLAIN COMMON SENSE person
21 - is of NO MERIT/WORTH to the Executive Offices of
22 United States Trustee's in Washington D.C.
23

24 After all, the United States Trustee's, all 21 of
25 them and their EOUST office/GC's can't really know what
26 is going on; because they Have Not, Did Not and WILL
27
28

1 NOT Address any issues of the Lords of the Realm - of
2 the Above the Law, Goldman Sachs, Bain Romney and MNAT!

3
4 **Venerates of America Speak Out Against Federal Venality**

5 Plaintiff is not the only person to complain that
6 the DOJ's efforts in justice in the Delaware realm are
7 a phantom.
8

9 Her Honor Judith Fitzgerald stated that there was a
10 fraud on the court (of Tersigni affairs) and that the
11 Department of Justice aided and abetted that fraud upon
12 the court's success for more than a year.
13

14 How can any good faith party sit still when Mitt
15 Romney's RICO group is able to arrange for one of their
16 own (Colm Connolly) to become the Federal Prosecutor
17 over the very case an indictment is being sought of?
18

19 As if it was written for this very case, Frederic
20 Bastiat is quoted as stating that "When plunder becomes a way
21 of life for a group of men in a society, over the course of time they create for
22 themselves a legal system that authorizes it and a moral code that glorifies it".
23
24

25
26 It is the DE BK Ct's own words, in its *Opinion* of
27 October 4, 2005 (eToys D.I. 2139) that, to ignore the
28

1 intentional effort of frauds on the court; would serve
2 to punish [plaintiff] and reward conflicted attorneys.

3
4 His Honor Justice Tucker stipulated in the case of
5 Matrix Technologies Group (In re M.T.G.) that courts
6 have a responsibility (**indeed a duty**) to address issues
7 of Fraud upon the Court by its officers.
8

9 Would Capone have ever been allowed to arrange for
10 Nitti to become the Federal Receiver? Or for Nitti to
11 become the US Attorney to investigate Capone cases?
12

13 Is it not sinful to allow public servants profit
14 motives?
15

16 Lying under oath, is Lying Under Oath (so says Her
17 Honor Kravitch of the 11th Cir. In Walker v Walden).
18

19 Has the contemporary paradigm of justice become
20 that of the venal emblematical?
21

22 Is plaintiff the only one who cares about the utter
23 BS - that the SEC stated it has been a practice of its
24 agents and agency to destroy case files? Whereas the
25 SEC has declined intervention here, many a time!
26

27 When the SEC's OIG David Weber began to investigate
28 bad faith in the upper management of the SEC, he knew

1 his life was in jeopardy and (as any federal agent can)
2 packed a gun on his hip - openly.

3
4 They retaliated and fired him; but he stood tall,
5 sued the despots - winning his case as the 3rd largest
6 whistleblower settlement in the federal government.

7
8 Meanwhile, disturbingly, Office of Special Counsel
9 in D.C. (the whistleblower division of the government)
10 had its leader, Scott Bloch, raided by the FBI in both
11 his home and office. Then the betrayer of the public's
12 trust actually plead guilty in the obliteration of case
13 files.
14
15

16 But Scott Bloch knows there's a new paradigm that
17 venality is no longer verboten. So he flatly refused to
18 do even one month in jail!
19

20 When the Constitution of the United States is
21 openly being warred upon by enemies domestic; and those
22 enemies are actually the very persons who swore an oath
23 to defend our country. Then the cry for justice is
24 insatiably loud.
25
26

27 One has to wonder if the public corruption task
28 force is permanently gone in Los Angeles?

1 Romney just confessed that his group stole the
2 Republican Party's nomination. Are our elections to now
3 openly be rigged and no federal agency seem to care?
4

5 If this case gets taken away from this Honorable
6 Court; will Romney run - AGAIN - for President?
7

8 How is it that the eToys case has confessions; but
9 the DE BK Ct and all federal agencies act as if they
10 are in kindergarten and can't see what any uneducated
11 high school dropout can comprehend?
12

13 Doesn't it alarm anyone else but this plaintiff
14 that the Chief Justice of the premier bankruptcy court
15 of the nation, does actually stipulates that there is
16 no proof of Perjury and that this plaintiff case has no
17 merits; even though the parties confessed to lies?
18

19 Surely a team of the best legal minds on the planet
20 will come forth with an array of excuses and reasons
21 that their clients Goldman Sachs, Bain and Romney can't
22 be culpable; much less accountable.
23
24

25 Such manifest injustices demand steadfast attention
26 and a swift hammer of justice for remedial purposes.
27
28

1 **The Reality is a Sad State of Affairs**

2 Not many will care if this case goes away into the
3 night and plaintiff is told - once again - that the Law
4 doesn't apply (such as the court's ruling in the Alber
5 case Circuit case 07-2360 stating the Federal Rules of
6 Appellate Procedure doesn't apply to bankruptcy cases).
7

8 Are the lives of this plaintiff, his daughter, the
9 eToys shareholder Robert Alber, so inconsequential that
10 the Constitution of the United States can be attacked,
11 in a Civil War styled fashion, so that elitists may get
12 away 'Scot Free'?

13 As a matter of fact, each and every night when this
14 plaintiff checks PACER, he's terribly vexed.
15

16 But if this court could continue upon the noble
17 path that is already established. Then disheartened
18 parties might gain a renewed hope that justice might
19 come; and that our country is not going into eternal
20 abyss of being upon a permanent corruptive pathway.
21

22 As noted by the recent Ninth Circuit ruling in the
23 Anwar case, *In re Middleton Arms* prevails.
24
25
26
27
28

1 Any lawyer who fails to disclose their conflicts of
2 interests, must be disqualified; as courts are not
3 permitted to ignore clear and unambiguous statutory
4 language.
5

6 When the RICO Defendants counsels try as they may
7 to thwart the pursuits of justice in this case. Doing
8 so by the self-serving and incongruous claim that the
9 statute of limitations is far gone by. This court can,
10 at that time, remark upon the issues of, Connolly, *In re*
11 **Hazel Atlas-Glass** and/or the fact that plaintiff has never
12 been remiss in his diligence for justice.
13

14 Heretofore, the former 9th Circuit Chief Justice
15 Peckham proffered an example - hypothetical - in the
16 case of *U.S. v Benny* that: "Jones devises a plan to take control of a
17 shopping center. Acting alone, he extorts money from three shopowners,
18 murders a fourth shopowner and burns down a fifth shopowner's store. In
19 addition, Jones rents an office from which he operates a security service and
20 begins to operate several of the stores he has taken over" .
21
22
23
24
25

26 His Honor concluded that Congress surely never
27 intended such a person would be immunized.
28

1 How is this case that much different than His Honor
2 Peckham's extensively heinous premise?

3 John "Jack" Wheeler was a very important man who
4 worked for 3 President Administrations and served his
5 country with distinction. He wound up dead in a dump
6 after visiting Colm Connolly's Nemours building.
7

8
9 It doesn't matter what the names of the various
10 parties are. Connolly is, **beyond ALL reasonable doubt,**
11 a very corrupt federal prosecutor. As such, he should
12 be a primary suspect.
13

14 Robert Alber is an eToys shareholder who had to
15 shoot/kill the career criminal Michael Sesseyoff after
16 Johann Hamerski's bribe attempt failed and Robert was
17 told that "people like you who turn down a bribe – Wakes up Dead".
18

19
20 Traub has bragged often how he is "connected" and
21 plaintiff is scared enough about that, where I've never
22 seen, nor held my children/grand-children after my
23 daughter's abduction on my birthday in 2004. No one
24 cares what happens to this litigant; but does anyone
25 care what that the RICO is waging a civil war upon the
26 entire nation and federal system of justice?
27
28

1 Instead, litigant is now a complete indigent too;
2 afraid of what may happen to others.

3 These issues of mayhem and homicide are facts. How
4 can plaintiff, in good conscience, put any entity,
5 home, company, or persons at risk with a RICO as
6 powerful as this one actually is?
7

8 It is quite possible that one of the things that
9 has preserved this pursuer of justice (thus far) from a
10 similar fate such as Robert Alber; is the fact that
11 this litigant isn't stationary.
12

13 Can the thousands of attorneys at law that this
14 plaintiff has contacted over the years, be blamed?
15

16 Is it not prudent to avoid the wrath of parties
17 powerful enough to arrange for one of their own to
18 become the U.S. Attorney over their cases?
19

20 Defendants have succeeded in destroying the eToys
21 shareholder Robert Alber; and have also succeeded in
22 the destruction (as promised by this plaintiff's own
23 attorney, Henry Heiman) of complainant's career and
24 business.
25
26
27
28

1 Whereas the Defendants have proved that their
2 promises of having enough power and undue influence
3 over the DE BK Ct. Where Defendants threat to guarantee
4 plaintiff/CLI wouldn't get paid and litigant's business
5 would end; have all proven to be valid.
6

7
8 No longer is an oath of loyalty to a client to be
9 considered sacrosanct (at least not as far as these
10 Defendants are concerned).
11

12 Plaintiff's CLI entity had a Chief Justice's court
13 ordered approval of contract; but that didn't stop
14 court authorized counsels from their betrayals of their
15 clients trust, for the sake of their Enterprise!
16

17 More than a dozen attorneys/law firms, have sold
18 out their court approved clients, for the sake of many
19 secret patrons; which, obviously are, more lucrative.
20

21 Traub received his eToys DOJ "Get out of Jail Free Card" and
22 marched right into the Kay Bee \$100 million fraud doing
23 the very crime he was (at the very same time) being
24 punished for in the eToys case. Doing so with such
25 impunity that the DOJ Deputy Director over the EOUST
26
27 (Friedman) simply gave up the ghost and quit.
28

1 Paul Traub also was partners of both fraudster Marc
2 Dreier (whose firm also worked the cases) along with
3 Tom Petters Ponzi; because he knows he's above the law.
4

5 However, that is what persons like Spiro Agnew and
6 Bernie Madoff and Richard Nixon also believed.
7

8 Seeing the writing on the wall, Federal Receiver
9 Douglas Kelley realized Romney probably wasn't going to
10 become POTUS; so he endeavored to protect himself by
11 going upon the public docket record in June 2012 and
12 stated Paul Traub was "controller" of Petters Ponzi!
13
14

15 Litigant is "*pro se*" party, woefully inadequate as an
16 amoeba, against a horde of ruthless Goliath's.
17

18 But, all this court need do, to stop the insanity
19 and power of the Racketeers over nearly every part of
20 the federal system of justice; is to risk a stroke of
21 pen and send a clear and convincing message that
22 plaintiff has made a case *prima facie*.
23

24 If the Defendants knew beyond all doubt that they
25 were going to trial; then everything would heat up
26 rather quickly.
27
28

1 If the Law was being clearly reestablished as, once
2 again, to be paramount, then counsels for plaintiff
3 might arise.
4

5 At such a time of frugality, this nationally
6 significant and important battle could come to a good
7 and just end by people worthy of the task!
8

9 As documented by the esteemed parties quoted above,
10 it is not only this plaintiff who has accused federal
11 agents and agencies (especially the EOUST) of not doing
12 their job properly.
13

14 Former UST Trial attorney Mary F Powers stated to a
15 2007 Congressional Hearing that EOUST Director Friedman
16 actually hampered justice.
17

18 It was the Third Circuit, in the case of *In re*
19 *Arkansas* - reiterating Congress's concerns about the
20 existence of "*Bankruptcy Rings*".
21
22

23 His Honor A. Jay Cristol went before the very same
24 Congressional panel and stipulated that EOUST Director
25 Friedman and his subsequent Clifford White III, did
26 treat Chapter 11 cases like Lassie; and behaved as if
27
28

1 they were Rin Tin Tin. But, in mom and pop Chapter 7 &
2 13 cases, the UST system was a pack of wolves.

3
4 Director Friedman emailed a promise direct to this
5 complaint that his EOUST staff was perfectly able to
6 handle the eToys case; but, when Friedman was informed
7 of the Kay Bee \$100 million in fraud transpiring whilst
8 Traub was purportedly being punished in the eToys case
9 - Mr. Friedman did tuck tail and run (resigned)!

10
11
12 Plaintiff prays the court forgive him for his many
13 inadequacies and redundant issues of points. Obviously,
14 heretofore, plaintiff has failed to properly convey to
15 previous parties, the glaring and undeniable evidences
16 of this case.

17
18
19 Evidently, no one else in the country, within our
20 federal agencies, cares about the fact that it is this
21 plaintiff and a few eToys shareholders, who point out
22 what is going on with these "Above the Law" Racketeers.

23
24 As if the remarks of US Attorney General Eric
25 Holder and NY US Attorney Preet Bharara that NO ONE is
26 Too Big to Jail, is just grandstanding/placating of the
27 masses.
28

1 In the hopes that the court is able to grasp the
2 fact that this case is not just about harms to a single
3 litigant. That these troubling matters have far
4 reaching consequences well beyond this case; plaintiff
5 prays this court sees that this saga is of matters and
6 wrongs against the entire nation.
7

8
9 Plaintiff prays this court understand how hopeless
10 and disheartening it is to endure all this slaughter of
11 innocents and attack of the nation's soul! As a matter
12 of fact, Therapist Karin Huffer has coined a phrase of
13 the post-traumatic stress disorders citizens suffer as
14 a result of Legal Abuse Syndrome.
15

16
17 As iterated of *In re Hazel Atlas*, fraud on the
18 court cannot be complacently tolerated. And, as stated
19 by Her Honor Coleen McMahon of the Host Hotels case -
20

21
22 **"This case is not ethical [nor Racketeer] rocket science"!**

23 Defendants and the DE BK Ct claim that lying under
24 oath 33 times, is really not proof of Perjury. What
25 would Martha Stewart have to say about that? It is a
26 fact as plain as the nose on anyone's face that the
27 allegations herein have merit.
28

1 Defendants can't ever risk being compelled to
2 answer; much less be forced to stand trial. The RICO's
3 continued success mandates this case goes away. But
4 plaintiff won't accept a Bribe settlement from the
5 Defendants. Therefore, something must be done.
6

7
8 On the very day (December 18, 2013) that this court
9 issued a ruling on a request for U.S. Marshals service,
10 the DOJ's EOUST office emailed a backdated letter to
11 plaintiff, stating there are no merits to the case.
12

13 Obviously, it is the intent of the Defendants to
14 provide such a fallacious DOJ proffering as their
15 answer to this RICO Complaint.
16

17 Any such efforts and all such schemes and artifices
18 to keep the racketeering aloft should be halted. Where
19 the RICO can be arrested, simply by the courts stroke
20 of pen.
21

22
23 What should be important here, is the harm of
24 letting these gangsters continue to believe that they
25 are above the law. If this Enterprising virus is not
26 arrested now, it will become a plague.
27
28

1 Previously, then Senator Biden comprehended the
2 fact that something was amiss. Senator Biden halted the
3 obvious effort to reward Colm Connolly's despotism.
4

5 During the Senator's quest to be POTUS, Senator
6 Biden refused to sign a requisite Senate SLIP so that
7 Colm Connolly's nomination for the Federal District
8 Court would fail.
9

10 UCLA Law Professor Lynn LoPucki wrote the book of
11 "Courting Failure" of How Competition for Big bankruptcy
12 cases are corrupting our courts. It was Senator John
13 Cornyn who quoted LoPucki's issues in stating that
14 picking a venue is akin to picking a verdict.
15
16

17 Former United States Attorney General John Ashcroft
18 was credited by Francis C P Knize, during the Public
19 Hearings on RULES GOVERNING JUDICIAL CONFUCT, Pursuant
20 to 28 U.S.C. §§ 351-364, as part of the DOJ's
21 Government in Sunshine Act (Pub. L. 94-409) [5 U.S.C.
22 Section 552(b)], that there are corrupt federal judges
23 in collusion with high ranking members of the UST's
24 office.
25
26
27
28

1 Though Romney's stalwarts like Adam Bronin claim
2 John Ashcroft never made such remarks (as if the USAG
3 not pointing out the obvious were a good thing); the
4 fact of the matter remains is that Francis C P Knize
5 "Testified" of this in a public forum and there was NO
6 outcry, for many years, that John Ashcroft didn't make
7 the statements.

10 And now - that Mr. Ashcroft is working for the man
11 (Red McCombs) whom Romney's Bain paid billions to buy
12 Clear Channel from (and the current firm owned by Mr.
13 McCombs is Blackwater (renamed "Xe" then "Academi");
14 hence, Mr. Ashcroft would not have too much credence in
15 denial thereof.

18 Mr. Ashcroft is credited with stating what is
19 apropos - spot on hereof - that: "[Bankruptcy] Cases are
20 intentionally, unreasonably kept open for years. Parties in cases are sanctioned to
21 discourage them from pursuing justice. Contempt of court powers are misused to
22 coerce litigants into agreeing with extortion demands. This does not ensure
23 integrity and restore public confidence. The American public, victimized and held
24 hostage by bankruptcy court corruption, have no where to turn".

1 Congress knew that "*Prosecutorial Gaps*" concerning these
2 very types of refusal to prosecute, would be extremely
3 harmful to the public good and devastating to victims.
4

5 Not only did Congress intend for a wide brush in
6 efforts of the RICO Act; our nation's law makers felt
7 it prudent to give great incentive by providing the
8 motive of "treble damages".
9

10 At the same time, Congress was prudent enough to
11 include much of the Bankruptcy Code, as "**predicate**" acts.
12

13 Plaintiff is encouraged by the fact that this court
14 has stood bold against massive bad faith efforts; and
15 complainant prays the court understands that he has
16 turned here by an extraordinary sequence of events.
17
18

19 May it be that plaintiff believing in the Code &
20 Rule of Law, to seek remedy of issues far beyond the
21 norm, be not in vain; simply because this litigant is
22 inconsequential!
23

24 Defendant Romney is now prancing around the nation,
25 as if he has no care in the world, with his power and
26 influence nixing publication after publication of the
27
28

1 very fact that this case has even been filed. Mitt's
2 Netflix documentary is being praised by his stations at
3 Bain Capital Clear Channel Communication, as proof of
4 how nice and well-rounded a guy Romney is.
5

6 It's axiomatic that "if there is no justice, there can be No peace"
7
8 and though the spirit of the law is always willing; the
9 flesh has been extremely weak!

10 Herein sits a chance of a lifetime, to actually
11 make a difference far-reaching.
12

13 In the spirit of His Honor Judge Rakoff saying NO
14 to the SEC daring to push forth settlements as slaps on
15 the wrist with no remarks as to the reasons why; this
16 plaintiff promises this court that no matter how many
17 millions of dollars may come as a settlement offer -
18 I'm not going to take it from them.
19
20

21 The logic of Brad Brook as counsel is sound; even
22 if his betrayal of trust was great.
23

24 You simply can't take a check from the parties who
25 have confessed lies under oath; after their admissions
26 of frauds upon the court!
27
28

1 Plaintiff may as well have taken the Racketeers
2 bribery offers back in 2001!

3 Instead, this litigant is all in, seeking that all
4 the victims get their chance for justice; and that this
5 Racketeering Gang find out their reign of organized
6 crimes and fed corruption - has come to its final end.
7

8 Concerning the potential, additional, Defendants
9 (John/Jane Doe's 1 - 10), the list is long and almost
10 as distinguished. There's Gary Ramsey, Frederick Rosner
11 and Michael Fox, Susan Balaschak, Cindy Williams, Nancy
12 A Valente, Mattel, Hasbro, Richard Cartoon, Judy Smith,
13 Ronald Sussman, Fir Tree Value Fund (and its hopping
14 around Scott Henkin).
15

16 Also there's the various firms, including those
17 (purported) local co-counsels that Mr. Rosner hopped
18 around to and this plaintiff's attorneys like Henry
19 Heiman, Brad Brook, Michael Weiss, Bayard Firm and
20 Rothschild. There's also Xroads LLC and many others.
21

22 Recently, there's the most recent 7th Circuit
23 decision that prosecutors can, most certainly, be held
24 accountable for their bad faith acts.
25
26
27
28

1 Hence, plaintiff will seek this court's approval to
2 name the despotic persons sitting inside fed agencies,
3 of (at least) Roberta DeAngelis and Mark Kenney.
4

5 All the evidences hereof are concrete and can be
6 filed; if the court will just permit this plaintiff to put it where it belongs -
7 into a full and completely open public trial record!
8

9 Whether one calls this RICO a "Bankruptcy Ring"
10 mixed with "Shadows" inside and outside of bankruptcy;
11 and other any other thing. The fact of the matter does
12 remain that the Defendants are not just eating off of
13 someone else's table; they're eating off of everyone
14 else's table they can and damn any Code or Rule of Law!
15
16
17

18 What should happen here, if legitimacy were to
19 fully return; is that the feds would take honorable
20 control and criminal RICO the parties. Surely, if they
21 did so, at the barest of minimums, billions of dollars
22 in fines could be levied against Goldman Sachs & Bain.
23
24

25 Defendants are being served up on a silver platter
26 to any honorable federal prosecutor. Due to both the
27 haughtier of the Defendants and plaintiff's diligence.
28

1 Plaintiff doesn't care if anyone goes to jail for
2 the grand larceny schemes; but insists they stop and
3 mayhem/homicides need a task force of "clean" persons.
4

5 Litigant reserves his right to amend this Complaint
6 and/or add Defendants as permitted by law and as the
7 interests of justice deems necessary and appropriate.
8

9 Again, plaintiff apologizes for his not being able
10 to write like Mark Twain; and/or being anything near an
11 attorney at law to present this case properly. If this
12 court will take this nefarious RICO Bull by its horns
13 then counsels might likely jump at the extraordinary.
14
15

16 Plaintiff hopes and prays that his court sees how
17 alarming and devastating these RICO issues are, far and
18 above the parties involved. And that this court clearly
19 sees the remarkably rare opportunity to call attention
20 to troubling matters of national significance.
21
22

23 **PLAINTIFF DEMANDS A JURY TRIAL!**

24 Date _____ Signed _____
25

26 Steve ("Laser") Haas
27 Appearing "*Pro Se*"
28 Private Attorney General