David Schied
20075 Northville Place Dr. NORTH #3120
Northville, MI 48167
248/924-3129 (home)

January 14, 2008

Attorney Grievance Commission
243 W. Congress Suite 256
Detroit, Michigan 48226

Re: Michael Weaver – (P 43985) – STATEMENT OF FACTS

To Whom It May Concern:

I am writing this letter to complain about an attorney licensed by the State of Michigan, Michael Weaver. I respectfully request that you assign an investigator to this complaint and recommend reprimanding or suspending the license of this attorney for the wrongdoings that he committed, and continues to commit, with regard to my particular court cases.

I have enclosed several documents of factual evidence to support my claims of attorney misconduct against Mr. Weaver. As the cover page of "Request for Investigation of an Attorney" suggests, attorney Weaver has committed several offenses in presenting his case(s) against me in various courts of law. The cases all stem from what started out as a case of unlawful termination, defamation and violation of public policy. I was, and still am, the plaintiff in each of these cases and Weaver has, and continues, to represent the defendants. I have alleged that the actions of his client(s) have not only constituted civil claims but criminal violations of the law. These allegations, both civil and criminal, were all raised in various proceedings over the past nearly four years, presented to the Washtenaw County Circuit Court and to the Michigan Court of Appeals on my behalf by an attorney, Joseph Firestone (P 39130), and to the Ingham County Circuit Court and again, to the Michigan Court of Appeals, by me acting on my own behalf and "pro per". At each level in each of these two cases, attorney Weaver has done the following in violation of Michigan Court Rules of Professional Conduct:

I. **Violation of Michigan Rules of Professional Conduct Rule 3.4 – Fairness to Opposing Party and Counsel –** Note: Fair competition in the adversary system is secured by prohibitions. A lawyer shall not: a) assist a witness to testify falsely; b) allude to any matter that will not be supported by admissible evidence, assert personal knowledge of facts in issue (except when testifying as a witness), or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused.

II. **Violation of Michigan Rules of Professional Conduct Rule 3.7 – Lawyer as Witness –** A lawyer shall not act as advocate at a trial in which the lawyer is a witness.

III. **Violation of MCR 2.114(B)(2)(b) – Making a false declaration in Contempt of Court –** If a document is signed in violation of this rule, the court, on the motion of a party or on its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to **pay to the other party or parties the amount of the reasonable expenses incurred of the filing of the document, including reasonable attorney fees**.

IV. **Violation of MCR 2.116(F) – Filing Motions or Affidavits in "bad faith" – "A party or an attorney found by the court to have filed a motion or an affidavit in violation of the**

provisions of MCR 2.114 may, in addition to the imposition of other penalties prescribed by that rule, be found guilty of contempt."

V. **Violation of Rule 3.3 – Candor Toward a Tribunal; 1) Making false statements of material fact or law to a tribunal; 2) Failing to disclose material facts to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; 3) Offering evidence that the lawyer knows to be false; 4) Failing to inform the tribunal of all material facts that are known to the lawyer and that will enable the tribunal to make an informed decision, whether or not the facts are adverse.**

VI. **Violation of Rule 8.4 – 1) Engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, etc. where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer; 2) Engaging in conduct that is prejudicial to the administration of justice.** The Rule 8.4 is interpreted to mean that offenses involving professional dishonesty, breach of public trust, or serious interference with the administration constitutes *moral turpitude*.

VII. **Violation of Michigan Rules of Professional Conduct Rule 3.6 – Trial Publicity / Theatrics –** A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have substantial likelihood of materially prejudicing an adjudicative proceeding. Note**:** A statement referred to in Rule 3.6 ordinarily is likely to have such a prejudicial effect when it refers to a civil matter triable to a jury, a criminal matter, and the statement relates to information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial, and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

**** See* Washtenaw County Circuit Court Motion Hearing dated October 26, 2005** – When attorney Michael Weaver opened his argument to Judge Melinda Morris on Wednesday, October 26, 2005, he started right out providing the Court with his own testimony as purported "witness" of gross MISCHARACTERIZATIONS of the plaintiff as if he had actually witnessed events that, in FACT, never occurred.[1] Weaver opened his address to Judge Morris' court as follows from the Court transcript:

> "*Interestingly, we have here in the courtroom with us today Mr. Schied who is now today all CLEANED UP and may be QUIETER THAN THE LAST TIME HE WAS HERE. The Court will recall…(Objection made at this point by plaintiff's attorney)…Well, your honor, it's relevant in this way. The Plaintiff has now argued in response to the motion that somehow Mr. Schied was completely compliant, and when asked to produce documents that were relevant to this claim, he did so….The TRUTH of the matter is, AS THE COURT WILL RECALL, I took his deposition one day and it ended in about 5 minutes when HE STORMED OUT OF THE ROOM AND REFUSED TO SHOW ME ANY DOCUMENTS AT ALL…He came here when I filed a motion to dismiss his claim or to compel his deposition and HE ACTED OUT IN THE COURT THAT DAY. And so it's just interesting that he would be here today in a completely different manner…But what is goes to, your Honor, is it really goes to refute the FACT, the HISTORY GOES TO REFUTE THE FACT THAT THIS GENTLEMAN WAS COMPLIANT AT ANY TIME WITH ANY REQUESTS FROM MY CLIENT*."

* **Note**: All words written in all caps in quotes are outright lies.

[1] According to Rule 3.4, "*lawyers shall not allude to matters that they do not reasonably believe is relevant or that will be supported by admissible evidence…or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a litigant, or the guilt or innocence of an individual*".

[2] See pages 3-5 of the October 26, 2005 Motion Hearing in Washtenaw County Circuit Court for these FRAUDULENT statements of OPINIONATED TESTIMONIAL by attorney Michael Weaver.

> "*He came to his deposition with a stack of documents like this…I was late, I admit it….I get about 5 minutes into his deposition then HE REFUSES TO SHOW ME ANY DOCUMENTS even though he brought all these documents with him. I said, 'Well, you understand that this about your criminal conviction'…He said, 'I understand that, I'm not going to show you the documents until I want to show you the document…and then a couple of minutes later, HE STORMED OUT*[3]*…But when he was here the last time, NOT ONLY DID HE ARGUE WITH HIS LAWYER AT THE TABLE, he argued in the building, he argued outside, but…*" [4]

The FACT here is that the plaintiff NEVER "*acted out*", either in deposition or in Melinda Morris' courtroom.

At the hearing for his "Motion to Compel Discovery", Weaver complained to the Court that the plaintiff had brought a stack of documents "*three feet high*" to present at deposition testimony. The deposition transcripts show clearly that the **plaintiff offered to show ALL of the documents he had brought to substantiate his past quarter century of community contributions as a crime prevention expert, a victims' rights activist, and a book author**. The deposition transcripts also show that **attorney Michael Weaver was the one who acted ominously toward the plaintiff threatening to "confiscate" and "tag as evidence" all of the plaintiff's original documents and personal memorabilia, all while making interpretative statements about the plaintiff's physical movements as a matter of record to suggest the plaintiff was acting toward Weaver in a threatening manner**. Plaintiff left the room only after making statements to that effect point out, also as a matter of record, that he was leaving the room – with his exhibits of evidence – to prevent the lawyer from further misrepresenting the plaintiff's gestures.

It should be noted that as a matter of FACT, the "*document*" that plaintiff had refused to discuss or present at his deposition was his 2004 Texas court-ordered "EXPUNCTION" document providing him the right, even under oath, to only state that "*the matter in question has been expunged*". Weaver's line

[3] Plaintiff insists that attorney Michael Weaver's "*factual*" claims are entirely MISLEADING.

[4] The particular hearing to which Weaver likely refers was the one for Judge Melinda Morris to hear Weaver's "*Motion to Compel Discovery*" of the 2004 Texas court-ordered "expunction" document that the plaintiff was reluctant to share with the Defendants during the previous deposition questioning. Just before the court hearing for that Motion however, Plaintiff instructed his attorney, Richard Meier, to present the Texas court-ordered expunction document to the Judge Melinda Morris that day in court as justification for his not having to answer Weaver's persistent deposition questions concerning the events leading up to the 1977 arrest, plea, judgment, and subsequently, to the withdrawal of plea, the dismissal of indictment, the set aside of judgment, the pardon (which included a restoration of full rights), and ultimately the "expunction" of whatever remained of the "arrest" record. In court however, Michigan attorney Richard Meier defied plaintiff's directive and instead addressed the judge's inquiry about the document by mentioning only that the plaintiff had a "governor's pardon", which was already a matter of record and did not provide the relief relied upon by the plaintiff. Mr. Meier had essentially failed to provide adequate justification for the plaintiff's decline to talk about the incident in 1977. The judge therefore granted Weaver's "*Motion to Compel Discovery*" on ALL documents pertaining to the case. After the hearing and OUTSIDE the courtroom in front of the elevator, an argument ensued between the plaintiff and his attorney about the attorney Meier's failure to provide the expunction document to the judge and thus, causing the granting of the defendants' "Motion to Compel". The argument continued after leaving the elevator to the street where plaintiff's attorney threatened to terminate his representation and contract. A couple of months later, during initial deposition testimony of the defendants, and after two unnecessary "requests for extensions of discovery" by Meier, and by which he falsely reported to be on the plaintiff's behalf, attorney Richard Meier again failed to honor the agreement he had represented earlier to his client (the plaintiff), which was to ask certain deposition questions of the first defendant. Subsequently, Plaintiff terminated that attorney Richard Meier right after the first defendant's deposition and continued with deposition questioning of the other defendants on his own. (*See* Weaver's reference to that termination of attorney Meier on page 5 of his "Brief of Support" of his Motion for Summary Disposition submitted to the Ingham County Circuit Court.) After hiring a new attorney to take over the case, the plaintiff then filed a Complaint on Richard Meier with Attorney Grievance Commission of the Michigan State Bar. Nevertheless, Michael Weaver continues to use these events of "attorney misconduct" to further his line of FRAUDULENT reasoning, and to paint a misleading PATTERN OF MISCHARACTERIZATION about the plaintiff to the various Courts on behalf of his clients.

of deposition questioning however, started right out by questioning what occurred in that 1977 event and the plaintiff declined to answer those questions to Mr. Weaver's liking, so Weaver redirected his line of attack toward the stack of career portfolio documents that the plaintiff had brought to the meeting. Weaver then announced his intent to "*confiscate*" all of the plaintiff's original personal and professional records for "*tagging*" as defense exhibits.

The plaintiff's first Michigan attorney in the case, RICHARD MEIER, merely sat back in amusement at the "standoff" between the plaintiff and the opposing attorney over the plaintiff's exercise of his right to keep silent about the 1977 event, and the plaintiff's "*refusal*" to simply allow the defense attorney to "peruse" through these private documents on his own. Plaintiff had merely stood above his three-feet high mound of evidence on the table to address the defendant's attorney while digging for the first article of "Evidence" to present himself from the stack of documents, when Weaver acted as if he had been "threatened" by Mr. Schied, making misleading comments as a matter of legal record. Weaver commanded Mr. Schied to "*sit down*" and "*calm down*" when these comments were otherwise unjustified and clearly intended as a ploy to "*mischaracterize*" the plaintiff. Mr. Schied left the room right afterwards because of Weaver was acting as if the plaintiff was offending him, and plaintiff verbalized that reason for leaving while still "on the record". Again, the deposition transcripts speak the FACTS of how this whole scenario played out.[5]

The TRUTH of the matter is that **Judge Melinda Morris stated in the transcript that she did not recall any of the events described by Weaver** about the plaintiff having created a disturbance in the courtroom. Neither did she recall anything about the plaintiff having refused to show "*any documents at all*" at a deposition, or about the plaintiff having "*stormed out of the room*" at his deposition. The judge even said so, though adding, "*that doesn't mean it didn't happen*".[6] That judge's statement shows just how culpable Judge Melinda Morris herself was at the time. She allowed Weaver to continue after disregarding the original objection that was raised by plaintiff's second attorney, Joe Firestone, when Weaver first had started his MISCHARACTERIZATION of the plaintiff in Judge Morris's Washtenaw County Circuit Court courtroom that day.[7]

Plaintiff believes that this JUDGE MELINDA MORRIS ended up dismissing the plaintiff's complaints because she was overwhelmed and/or "*swept away*" by the relentless barrage of misleading statements presented to her by Plunkett and Cooney attorney Michael Weaver.

Michael Weaver's opinionated "testimonials" presented Judge Morris' court with many more MISSTATEMENTS OF FACT, such as repeatedly claiming that, "*[the plaintiff] got a conviction for* [redacted].[8] Later, within that very same hearing he even went on to FRAUDULENTLY further "*clarify*" for the judge, "…*By the way, the crime was* [redacted]"[9] Further on in his statements when he found it most convenient, Weaver reverted back again to his [redacted] claim, **telling the judge that the FBI criminal history report had depicted the charge as such when clearly it did not**.[10]

<u>Michael Weaver regularly resorted to such examples of MISLEADING STATEMENTS, referring to them in Court as if they were as matters of FACT when they actually were ALTOGETHER</u>

[5] I have a copy of the deposition transcript that I will be able to forward if requested by the Attorney Grievance Commission.
[6] *See* bottom of page 4 of the Motion Hearing transcript for Judge Melinda Morris' statement that she did not recall any of the events described by Weaver as occurring in her courtroom.
[7] See objection of plaintiff's attorney Joseph Firestone at the bottom of page 3 of Motion Hearing transcript, and again later at the bottom of page 11 of that Washtenaw County Circuit Court transcript.
[8] *See* page 6 of the Motion Hearing court transcript.
[9] *See* the bottom of page 10 of the Motion Hearing transcript.
[10] The transcripts show that Weaver made this claim to the judge on page 11 of the Motion Hearing transcript.

UNTRUE. Clearly, Weaver's intent was to MISDIRECT the court's attention to the plaintiff's teen offense in 1977 and keep the spotlight off of his own client, **Sandra Harris, who had committed a FAR MORE RECENT CRIMINAL OFFENSE of divulging the plaintiff's criminal history; and while denying the plaintiff his federal right to challenge the accuracy of that erroneous FBI report**. Weaver did so by MISLEADING THE COURT to believe that plaintiff had some direct association with a "*deadly weapon*" when that was clearly not presented, either in evidence to the Texas jury in 1977 when considering "probation" as sentencing, or in the FBI report received by the co-defendant Sandra Harris at the time that she denied the plaintiff his statutory right to challenge the accuracy of that "erroneous" criminal history document in 2003.

Attorney Michael Weaver was also clearly trying to MISLEAD the Washtenaw County Circuit Court Judge Melinda Morris into believing that some sort of "PATTERN" existed in the plaintiff's present day behavior that corresponded to what one might believe his behavior could have been like in 1977 at the time of the plaintiff's teen offense. In fact, when Judge Morris directly questioned Weaver about the relevance of his **relentless personal testimonials** about the plaintiff's alleged "behaviors" as he had supposedly exhibited them – at the Lincoln school district "pre-termination" meetings, in the courtroom, when giving his deposition, and when taking defendants' depositions – the hearing transcripts show that Weaver replied as follows:

> *"In part, it is [relevant] your honor, because IT SHOWS THE HISTORY OF HIS BEHAVIOR…But secondly, we tried, you know, they've argued that somehow we didn't give him a chance to explain himself and IT'S JUST UNTRUE."*

What Weaver refers to in the plaintiff's claims of arguing "*that somehow we didn't give him a chance to explain himself*" has to do with **Weaver's refusal**, on behalf of his clients as the defendants in this case, **to admit the significance of three sworn witness affidavits** submitted by the plaintiff's attorney, Joe Firestone, **signifying that it was the Lincoln Schools' administrator, Sandra Harris, who exhibited the disparaging behavior, not the plaintiff**, particularly at the second of the two "pre-termination" meetings.

The FACT is that Lincoln Consolidated Schools' co-defendant Sandra Harris had been FRAUDULENTLY claiming throughout the proceedings of this "Lincoln" case that the plaintiff had been "*uncooperative*" in allowing her to scrutinize the SET ASIDE and PARDON documents the plaintiff had brought to the two "pre-termination" meetings. Weaver stuck by those claims despite admitting that the plaintiff had brought those documents to the meeting to dispute the accuracy of the FBI report Harris had received, and to justify his right to challenge the accuracy of that FBI report as indicated by federal statute right on the face of the criminal history report itself.

Attorney Weaver then extended that purported "pattern of uncooperative behavior" by the plaintiff to include the further claim, on behalf of his client Sandra Harris, that plaintiff had also denied Harris' repeated requests for copies of the SET ASIDE and PARDON documents, the documents disproving the accuracy of FBI report, when such a denial by the plaintiff is obviously UNTRUE.

* **<u>See</u> <u>attorney Michael Weaver's "Brief in Support of Defendants' Response to Plaintiff's Motion for Partial Summary Disposition" as dated October 18, 2005 and addressed to Judge Melinda Morris of the Washtenaw County Circuit Court</u>**:

At the bottom of page 3 and top of page 4, Michael Weaver wrote:

> "*The newly acquired information prompted the scheduling of a pre-termination hearing, scheduled for November 3, 2003, held with Plaintiff and VARIOUS MEMBERS OF THE DENENDANT SCHOO BOARD ATTENDED THE HEARING.*[11] *During that hearing, plaintiff was questioned regarding the discrepancy in his employment application and the criminal background results. PLAINTIFF REFUSED TO ALLOW DR. HARRIS AND OTHERS TO REVIEW DOCUMENTS THAT HE HAD BROUGHT WITH HIM – documents that plaintiff said confirmed the dismissal of his conviction.*"

* **<u>Note</u>**: All words written in all caps in quotes are outright lies.

The FACT is that **not only did Weaver persistently NEGLECT to appropriately admit that these three sworn affidavits demonstrated that the plaintiff had provided copies of those SET ASIDE and PARDON documents to Sandra Harris in good faith of his future privacy protection. Weaver also NEGLECTED to address the FACT that these three sworn affidavits substantiated the plaintiff's claim that after receiving the verified trusted documents, Harris was the one who "*<u>stormed out</u>*" of the "pre-termination" meeting; and that subsequently she placed those trusted "nonpublic" documents into the plaintiff's public personnel file and CRIMINALLY disseminated them to the public under FOIA request, along with a copy of the FBI report itself.** [12]

*** *<u>See</u>* <u>attorney Michael Weaver's "Brief on Appeal of Defendants-Appellees" as dated 2/21/06 in the Michigan Court of Appeals;</u>**
*** *<u>See</u>* <u>attorney Joseph Firestone's "Appellant's Reply Brief" as filed 3/7/06 in the Michigan Court of Appeals;</u>**
*** *<u>See</u>* <u>attorney Firestone's "Application for Leave to Appeal" to the Michigan Supreme Court dated 8/4/06</u>**
* ***<u>See</u>* <u>attorney Michael Weaver's " Brief in Opposition to Plaintiff's-Appellant's Application for Leave to Appeal" (to the Supreme Court)</u>**
* ***<u>See</u>* <u>attorney Firestone's "Reply to Appellees' Brief in Opposition to Plaintiff's-Appellant's Application for Leave to Appeal" (to the Supreme Court)</u>**
* ***<u>See</u>* <u>attorney Michael Weaver's recent "Brief of Support of Motion for Summary Disposition" dated October 8, 2007 to the Ingham County Circuit Court</u>**

Even despite the Court and all parties having the three sworn affidavits in hand, Weaver persisted in arguing his denial to Judge Morris that Sandra Harris' had ever received copies of those "clemency" documents from the plaintiff. He stated as follows near the conclusion of his argument to Washtenaw County Circuit Court Judge Melinda Morris:[13]

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[11] As the sworn affidavit of Claudia Guitierrez provides with the added inclusion of meeting minutes from the two "pre-termination" meetings, this claim by Weaver that "various members of the school board" were in attendance is grossly INCORRECT. In fact there were NO MEMBERS OF THE SCHOOL BOARD in attendance at either of these two particular meetings to discuss the termination of the plaintiff's employment.

[12] Copies of the **<u>three sworn witness affidavits</u>** supporting the plaintiff's claims were submitted to the Washtenaw County Circuit Court and the Michigan Court of Appeals by attorney Joseph Firestone. (*<u>See</u>* pp. 4-5 of Joseph Firestone's "Appellant's Reply Brief" stamped 3/7/06 as filed with the Michigan Court of Appeals; and *<u>see</u>* Mr. Firestone's subsequent filing to the Supreme Court, pp. 15-18 of his "Application for Leave to Appeal".) Mr. Schied also made reference to these documents more recently when providing his response to Weaver's claims in Reply to Mr. Schied's original Complaint to the Ingham County Circuit Court.

[13] *See* <u>page 34</u> of the Washtenaw County Circuit Court "Motion Hearing" transcript.

> *"THIS GENTLEMAN NEVER GAVE THEM THE DOCUMENTS TO EXPLAIN IT and, candidly, had he given the documents, it wouldn't have made a difference because THE ANSWER HE GAVE ON [ANOTHER] DOCUMENT THAT HIS EMPLOYMENT WAS CONTINGENT UPON WAS FALSE. HE HAD BEEN CONVICTED. WHETHER IT WAS SET ASIDE, A PARDON OR ANYTHING ELSE, YOU CANNOT DENY IT UNTIL YOU GET AN EXPUNGEMENT[14]. He never had the expungement and that's Texas law, THAT'S MICHIGAN LAW.[15] And the rest, quite candidly, you Honor, is fluff and a red herring."*

Weaver stated it again in writing on page 5 of his "Brief on Appeal of Defendants-Appellees" when addressing the Michigan Court of Appeals. Copying his fraudulent statements from the defendants' "response" brief in Judge Melinda Morris' Washtenaw County Circuit Court, Mr. Weaver again insisted:

> *"Defendants scheduled a pre-termination hearing to allow plaintiff the opportunity to explain the report. On November 3, 2003, plaintiff AND VARIOUS MEMBERS OF THE DENENDANT SCHOO BOARD ATTENDED THE HEARING.[16] During that hearing, defendants questioned plaintiff about the discrepancy between his employment application and the criminal background results. PLAINTIFF REFUSED TO ALLOW DR. HARRIS AND OTHERS TO REVIEW DOCUMENTS THAT HE HAD BROUGHT WITH HIM – documents that plaintiff said confirmed the dismissal of his conviction."*

Later in that same court document, on page 8, attorney Weaver continued his misrepresentations to the Court of Appeals when he wrote:

> *"Defendants argued that plaintiff's 28 CFR 50.12 violation claim was without merit. Section 50.12 gives a person the opportunity to correct a criminal background report within a reasonable time. Although plaintiff claimed he was not given this opportunity, defendants argued that the UNDISPUTED EVIDENCE showed that two pre-termination hearings were scheduled, plaintiff attended the hearings, and plaintiff WAS given the opportunity to explain his actions. Further, defendants argued that even if plaintiff had been denied the opportunity, no violation would have occurred because there was nothing to correct…."*

Plaintiff's second Michigan attorney, Joe Firestone, put it this way when addressing the Michigan Court of Appeals about **Weaver's continual denial of the existence or relevance of the three sworn witness affidavits** provided to then "interim" superintendent Sandra Harris:

> ***"APPEALLEES CONTINUE TO RELY ON "FACTS" THAT THEY KNOW TO BE ERRONEOUS – Uncontroverted affidavits (exs C, D and E) presented by Mr. Schied directly dispute Appellees 'factual' assertions regarding the information provided to the superintendent at the so-called pre-termination meetings. By ignoring these affidavits,***

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[14] Again, plaintiff insists that Michigan attorney Joe Firestone clearly explained to both the lower court and to the Michigan Court of Appeals that such ability for the plaintiff to deny the "conviction" was provided by the 2002 "*Rudy Valentino Cuellar v. Texas*" court case explaining in detail the meaning of the type of "set aside" received by the plaintiff. In addition, the Attorney General opinion provided by John Cornyn in JC-0396 clearly demonstrates that the definition of "conviction" does not apply to anyone who has received EITHER a governor's pardon or an expunction of their criminal history

[15] The "letter" of Michigan Set Aside Law provides that a "set aside" and "expungment" of record go together (with certain "nonpublic" records leftover for reference in the event of a repeat offense) enabling the subject to deny his conviction. The "spirit" of Michigan Set Aside Law recognizes a governor's executive pardon as the highest form of judicial clemency allowed, certainly enabling the subject to "deny the conviction" as clearly demonstrated by the "published" Michigan Court of Appeals' 2002 case referenced by the plaintiff's attorney Joe Firestone as *State of Michigan v. Timothy Andrew VanHeck*.

[16] As the sworn affidavit of Claudia Guitierrez provides with the added inclusion of meeting minutes from the two "pre-termination" meetings, this claim by Weaver that "various members of the school board" were in attendance is grossly INCORRECT. In fact there were NO MEMBERS OF THE SCHOOL BOARD in attendance at either of these two particular meetings to discuss the termination of the plaintiff's employment.

> ***Appellees misrepresent material facts to this Court….It is factually and legally significant that Mr. Schied attempts to correct the errant FBI report were rebuffed and ignored by the superintendent. Had the superintendent reviewed the set aside order and the pardon presented to her, and/or listened to Mr. Schied's explanation, she would have realized that Mr. Schied completed the application truthfully...Each affidavit submitted by Mr. Schied attests to the facts that the set aside order and the pardon were presented to the superintendent and that Mr. Schied attempted to explain the documents. Each demonstrates that the superintendent was unwilling to listen to or consider the documents. In the face of these affidavits, however, Appellees continue to assert that the documents were not shared and no explanations were forthcoming. (Appellees' brief at 5-6) Yet without having challenged the affidavits APPELLEES STATEMENTS CONSTITUTE FACTUAL MISREPRESENTATIONS OF THE RECORD. APPELLEES' BRIEF SHOULD BE CAREFULLY SCRUTINIZED AND MISSTATEMENTS SHOULD NOT BE TOLERATED BY THIS COURT."***[17]

Despite these both oral and written protests to the lower court and to the Court of Appeals, attorney Weaver nonetheless went forth in persisting with these FRAUDULENT claims as if they were matters of fact. On page 6 in his "Brief in Opposition to Plaintiff-Appellant's Application for Leave to Appeal", Weaver assisted his client in perpetrating fraud upon the Michigan Supreme Court when stating, "*Dr. Harris informed plaintiff that although plaintiff said he had documentation that the conviction was dismissed, Dr. Harris did not see the documentation.*"[18] Again, that statement is refuted in the "meeting minutes of November 3rd as referred to and verified under oath by the witness for the plaintiff.

Later in that same document, in the footnote on page 7, Weaver intentionally misled the Supreme Court again by writing, "*During plaintiff's first deposition he refused to produce the documents that he had brought with him (which he said proved his case), and he walked out of the deposition.*" Again, this statement disregards the nearly "three feet of evidence" that the plaintiff had waiting for attorney Weaver when he showed up 30 minutes late to that deposition. It was only when he threatened to confiscate and "tag as evidence" the documentation of my entire career as a movie stuntman, actor, book author, and crime prevention expert, and when he made false statements as matters of transcript record as if the plaintiff was "acting out" at that deposition that Mr. Schied left that meeting with all of the documents that he had planned to present.

Even once again later in his address to the Michigan Supreme Court, in the first paragraph of page 9 of his "Brief in Opposition to Plaintiff-Appellant's Application for Leave to Appeal", Weaver once again disregarded the three sworn affidavits of the Plaintiff when writing, "*Plaintiff's defamation claim…. was without merit because plaintiff could not create a genuine issue of material fact that the statements Dr. Harris made in her letters to plaintiff were untrue….*"[19]

Plaintiff's attorney Joseph Firestone put it this way when addressing the Supreme Court in his "Application for Leave to Appeal" as he addressed, on page 15-16 of that document, the issue of whether or not Dr. Sandra Harris had "just cause" for discharging the plaintiff from his employment:

> "*The trial court initially began to probe for the answers to these tests in a bench conference with counsel when she inquired as to why the District and superintendent did not accept Mr. Schied's explanation of his application answer. The District's counsel, who is not a witness in this case and was not in attendance at either the November 3 or 6, 2003 meeting, proffered*

[17] See pp. 4-5 of "Appellant's Reply Brief" to the Michigan Court of Appeals stamped as received on March 7, 2006 as filed by the plaintiff's attorney Joseph Firestone.

[18] See second paragraph from the bottom of p. 6 of Weavers "Brief in Opposition to Plaintiff-Appellant's Application for Leave to Appeal".

[19] As has been the issue of this Complaint, the first of the two defamatory letters written by the defendant, Dr. Sandra Harris, adamantly stated that the plaintiff had not allowed the defendant to see the documents, when both the meeting minutes and the sworn affidavits of the three "witnesses" at the meeting state otherwise.

> *answers to the Court's query that were contrary to the record evidence. Counsel's obfuscatory and unsupported assertions were contrary to the sworn affidavits of Mr. Schied's representatives who were actually in attendance at the meetings. In the end, the court never addressed the admissible facts before it and never opined on the just cause issue.*"

In answer to Weaver's "Brief in Opposition to Plaintiff-Appellant's Application for Leave to Appeal" addressed to the Supreme Court, attorney Joseph Firestone wrote the following in his "Reply to Appellees' Brief in Opposition to Plaintiff's-Appellant's Application for Leave to Appeal" on pages 4-5 of that documented argument:

> "*Material injustice results whenever the judicial system fails to deliberate on the admissible evidence before it. Uncontroverted affidavits (exs A, B and C) presented by Mr. Schied were errantly ignored by the Court of Appeals. These affidavits addressed the events that occurred and the information provided to the superintendent at the so called pre-termination meetings. By ignoring these affidavits, the Court failed to recognize admissible evidence, which raised material issues of fact as to the superintendent's knowledge that a reporting error had been made. Despite having that knowledge, the superintendent persisted in discharging Mr. Schied without cause and in violation of this State's express public policy. She then continued to repeat "information" that she knew to be false by stating it in discharge letters, which were placed in Mr. Schied's personnel file.*
>
> *It is factually and legally significant that Mr. Schied's attempts to correct the errant FBI report were rebuffed and ignored by the superintendent. Had the superintendent reviewed the set aside order and the pardon presented to her, and/or listened to Mr. Schied's explanation, she would have realized that Mr. Schied completed the application truthfully.*
>
> *Each affidavit submitted by Mr. Schied attests to the facts that the set aside order and the pardon were presented to the superintendent and that Mr. Schied attempted to explain the documents. Each demonstrates that the superintendent was unwilling to listen or to consider the documents. After willfully disregarding Mr. Schied's efforts to correct the FBI report, the superintendent intentionally repeated the false information by including the inaccurate information in discharge letters to Mr. Schied, which were also placed in his personnel file to be disseminated to prospective employers.*
>
> *At the very least, had the affidavits, admissible evidence submitted by the nonmoving party, been deliberated on by the Court, Mr. Schied's defamation claim would have been remanded for trial. It is unmistakable from the affidavits that the superintendent perpetuated the utterance of knowingly false statements after she was informed that the FBI report was erroneous. The Court of Appeals decision ignoring the admissible evidence representes clear error that resulted in material injustice to Mr. Schied.*"

Even more recently, in his more recent "*Motion for Summary Disposition*" to the Ingham County Circuit Court dated October 8, 2007, on behalf of the same clients of Dr. Sandra Harris and the Lincoln Consolidated School District, attorney Michael Weaver again MISREPRESENTED TO ANOTHER JUDGE the very same claims he "misrepresented" on behalf of his clients to the Washtenaw County Circuit Court, to the Michigan Court of Appeals, and to the Michigan Supreme Court. Weaver has stated in his Motion on page 4 as follows while referring to FBI report received by Dr. Sandra Harris:

> "*The newly acquired information prompted the scheduling of a pre-termination meeting hearing, scheduled for November 3, 2003, held with Plaintiff and various members of the school board. During that meeting, Plaintiff was questioned regarding the discrepancy in his employment application and the criminal background results. PLAINTIFF REFUSED TO ALLOW DR. HARRIS AND OTHERS TO REVIEW DOCUMENTS PLAINTIFF HAD BROUGHT WITH HIM – DOCUMENTS THAT PLAINTIFF ALLEGED SAID CONFIRMED THE DISMISSAL OF HIS INDICTMENT…*"[20]

[20] *See* bottom paragraph of page 4 of Weaver's most recent "Brief of Support of Motion for Summary Disposition" dated October 8, 2007 to the Ingham County Circuit Court.

On pages 5 of the same document Weaver goes on again to fraudulently add the following in the attempt to misrepresent the character of the plaintiff and the FACTS about the preceding case:

> "*Discovery ensued and Plaintiff's first deposition was taken on October 28, 2004. During that deposition, PLAINTIFF REFUSED TO PRODUCE THE DOCUMENTS HE HAD BROUGHT WITH HIM AND TERMINATED THIS DEPOSITION."*

CLEARLY, Plunkett and Cooney's attorney MICHAEL WEAVER, EVEN *NOW* SINCE PRESENTING HIS ARGUMENTS TO THE INGHAM COUNTY CIRCUIT COURT, DEMONSTRATES THE SAME **GROSS PROFESSIONAL NEGLIGENCE** AND **FRAUD** AND **MISREPRESENTATION** IN OUTRIGHT DENYING THE FACT THAT THE "SET ASIDE" DOCUMENT WAS PROVIDED TO SANDRA HARRIS IN GOOD FAITH BY THE PLAINTIFF IN 2003; AND THAT THE "SET ASIDE" DOCUMENT IS CURRENTLY BEING STATIONED IN THE PLAINTIFF'S PUBLIC PERSONNEL FILE BY THE LINCOLN CONSOLIDATED SCHOOL BOARD, WITH EVIDECNCE AS RECENT AS DECEMBER '06 OF BEING **CRIMINALLY** DISSEMINATED TO THE PUBLIC, EVEN FREELY, UNDER ANY INCOMING FOIA REQUEST.[21]

The Attorney Grievance Commission should note that the Plaintiff's case before the Ingham County Circuit Court was dismissed by the judge and is now under "Claim of Appeal" by the Plaintiff in the Michigan Court of Appeals. In addition, a federal case has been filed naming some of these same defendants for which Plunkett and Cooney attorney Michael Weaver continues to represent in both of these cases. The FACT that Weaver continues his course of DEFRAUDING THE COURT and MISREPRESENTING THE FACTS is an issue that the ATTORNEY GRIEVANCE COMMISSION SHOULD BE ADDRESSING PUNITIVELY – NOW – before Weaver takes it further as he did last time with the lower courts and earlier in the *Schied v. Sandra Harris and the Lincoln Consolidated Schools* case with the Michigan Court of Appeals.

In 2005, Washtenaw County Circuit Court Judge Melinda Morris allowed Plunkett and Cooney's attorney Michael Weaver's to continue his bombast of the plaintiff throughout the hearing until such point that the plaintiff's attorney, Joseph Firestone, had to raise his second objection about Weaver's ongoing contemptuous demeanor.[22] At the time of the objection, Weaver was continuing with his own conjecture, testifying as if he were a "witness", about what transpired during the second of Sandra Harris' "pre-termination" meetings, and while once again EXHIBITING HIS **USUAL "PATTERN" OF INTENTIONALLY NEGLECTING TO ACKNOWLEDGE EVEN MORE RELEVANT "FACTS" ALREADY SUBMITTED UNTO THE COURT.** Mr. Firestone addressed Judge Melinda Morris as follows:

> "*I'll object again, your Honor. This man has no idea what [plaintiff's] behavior was; and what [Weaver's] saying is that the affidavits which we attached are false. These 3 people*

[21] Weaver's client, Dr. Sandra Harris, initially had placed her two defamatory letters into my public personnel file at the Lincoln Consolidated School district, along with copies of the erroneous FBI report showing a conviction in 1977 but failing to show the "withdrawal of plea" and "dismissal of indictment" provided by the "set aside" received in 1979, and failing to show the governor's pardon that was received in 1983. In addition to these documents, the Plaintiff has evidence that Weaver's client also placed two copies of the plaintiff's "set aside" documents into the personnel file in 2003, where they remain until the present IN CRIMINAL VIOLATION OF BOTH TEXAS AND MICHIGAN "SET ASIDE" LAW, and Michigan's Revised School Codes. As such, Weaver's FRAUD UPON THE COURT allowed his client to continue the perpetration of this crime against the Plaintiff for years, making attorney Michael Weaver a party to the CRIME, which is why Mr. Weaver has been named as a CRIMINAL co-defendant in the Ingham County Circuit Court case currently before the Michigan Court of Appeals.

[22] See bottom half of page 11of the Washtenaw County Circuit Court transcript..

who attached affidavits were present in that meeting. Mr. Weaver was not there. He can't testify to you."[23]

It is clear from the hearing transcript of Judge Melinda Morris granting the defendants' "*Motion for Summary Disposition*" that it was attorney **Michael Weaver** who **first introduced what was later to become a "PATTERN OF MISINTERPRETATING TEXAS LAW" – as a matter of "*opinion*" not as the "controlling law"** – as placed in the argument that the plaintiff would "*have to go beyond*" already having received "judicial clemency" as provided his 1979 Texas court-ordered "SET ASIDE", and that **plaintiff should have also had "*to get the expunction*" in order to claim on a 2003 job application "*no conviction*"**.[24]

Weaver's **ranting** to Judge Morris did not stop there. Weaver went on to first outright admit then MISLEAD THE JUDGE toward disproving, in his words that, "***there's PRECEDENCE on those*** *minute* ***issues*** *they have here…There's precedent on the other issues as we've cited in our, our complaint, our motion for summary disposition.*". (*See* page 15 of the Washtenaw County Circuit Court transcript.) Nearly all in one breath, Weaver went from MISREPRESENTING, MISQUOTING and MISINTERPRETING Texas statutes on SET ASIDES, PARDONS, and EXPUNGEMENTS to outright FRAUDULENTLY LYING about who was in attendance at the two "pre-termination" meetings held by co-defendant Sandra Harris. (As previous stated, Weaver's claim that Lincoln school board members were present at either of the "pre-termination" meetings is entirely FALSE.)

The "*issue* " about which Weaver refers to (on page 15 of the Washtenaw County Circuit Court transcript) in his clients' so-called "*Complaint*" according to Weaver, really involved the plaintiff's own initial Complaint about "*DEFAMATION*". It was regarding plaintiff complaints that Weaver's client, **Sandra Harris, had (criminally) divulged the contents of the erroneous FBI criminal history report, by phone, by Fax, and by letter outside of the employment office of the Lincoln Consolidated Schools administrative building BEFORE even discussing the contents of that report with the plaintiff**. Weaver had "complained" on his client's behalf that the plaintiff had exaggerated his claims about the number of individuals unqualified professionally to be working in the capacity of "decision-makers" in the District's human resources department, which were also the same individuals with which Harris shared the plaintiff's confidential criminal history and "unreliable" FBI information. Weaver insisted that, though contacted and invited directly by Harris, all recipients of Harris' calls and letters were either advocates present at the meeting on behalf of the Plaintiff or those "*directly involved in evaluating the (plaintiff's) qualification for employment*".[25]

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[23] Again, according to Rule 3.4, "*lawyers shall not allude to matters that they do not reasonably believe is relevant or that will be supported by admissible evidence…or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a litigant, or the guilt or innocence of an individual*".

[24] Washtenaw County Circuit Court Judge Melinda Morris was on to something when she stated, "*I'm just trying to understand why it is that the District is being so, for lack of better words, so hard-nosed about this*" in response to Weaver's misleading comparison of Michigan's [Set Aside] law. In making that comparison, Weaver insisted that **despite having a Texas governor's pardon making him eligible for an "expunction"** (of whatever remained of records pertaining to his "arrest"), even AFTER his having received a SET ASIDE that included a "*withdrawal of plea*", a "*dismissal of indictment*" and "*set aside of judgment*", the plaintiff should have, but did not "apply" for that expunction of remaining criminal history. Weaver was reasoning therefore that until the plaintiff had received that "expunction" document, he was still considered "convicted" and a "convict". As mentioned already however, Texas "expunction" statute never makes such a claim, or even refers to "*conviction*" when describing the process and the effects of securing a Texas court order for the "expunction" of all records "related to the ARREST".

[25] Weaver repeatedly dodged the plaintiff's repeated reminders that it was his client, Sandra Harris, who had invited these individuals to the meetings in the first place without informing the plaintiff beforehand about the purpose of that first meeting.

The FACTS of the case speak a different story however than the one "painted" by Weaver to the Court. **Prior to even questioning the plaintiff about the contents of that erroneous FBI report**, Sandra Harris had phoned the plaintiff's departmental and building supervisors **at the high school** to inform them that the plaintiff would not be returning to work. Harris also phoned the plaintiff's peer teachers as "union officers" to invite them to an initial meeting, without informing anyone that she intended for the meeting to serve as the plaintiff's "termination" or "pre-termination" meeting.[26] Then, for some unknown reason, Harris Faxed a copy of the erroneous FBI report **to an elementary school Fax machine** the day BEFORE the planned meeting.[27] Subsequently, after the first meeting had concluded, Sandra Harris wrote a "defamatory" letter to what plaintiff's attorney described as a "laundry list" of seven individuals of which only four were in attendance at that first "pre-termination" meeting officiated by Sandra Harris.[28]

Regarding the FBI criminal history information that was discussed at the two "pre-termination" meetings, which the plaintiff has all the while insisted was "erroneous", attorney Michael Weaver stated the following:[29]

> "*…And it says you were actually convicted. That's true. It's in the FBI documents. THERE'S NO QUESTION ABOUT IT. Now there are people who were copied on that letter. EVERY ONE OF THOSE INDIVIDUALS WAS IN THE ROOM WHEN THIS INFORMATION WAS DISCUSSED. There were people there to benefit him because they were union representatives, so this wasn't my client disclosing some secret. In fact, IT'S A PUBLIC RECORD, IT'S A PUBLIC RECORD. It can't possibly be deemed a secret and it's all true. The document he signed is inaccurate. THE CONVICTION IS A MATTER OF PUBLIC RECORD.*"

As a matter of FACT and a matter of current record for this Attorney Grievance Commission, the erroneous FBI report was NEVER a matter of "public" record except by the Sandra Harris and the Lincoln Consolidated School District when they illegally placed it into the plaintiff's public personnel file. Furthermore, there was not only a "*question*" about it, but moreover, a strong dispute by the plaintiff about the accuracy of that FBI criminal history record. The meeting minutes – **verified by sworn affidavits of the union officers present at the meetings** – presented clear statement of FACT that **the plaintiff had brought "original certified documents" to the meetings that disputed the accuracy of the FBI repor**t, which had on its face a disclaimer that the FBI report itself may be inaccurate and entitling the plaintiff, under federal statute, to dispute the accuracy of that report.

As another matter of FACT in dispute of Weaver's MISLEADING and FRAUDULENT claims to Judge Morris, ***all those people copied by Sandra Harris' letters*** **were NOT present at either of the two "pre-termination" meetings**.

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[26] As the union meeting minutes included with Claudia Gutierrez's sworn witness affidavit demonstrate, the "purpose" of this first meeting was not determined until the END of that meeting.

[27] The Faxing of the erroneous FBI document was discovered only because it was subsequently placed into the plaintiff's public personnel file after he was terminated and then sent outside of the District itself to a teacher and union representative, along with the other contents of the plaintiff's personnel file under the Freedom of Information Act. That teacher, LINDA SOPER, then forwarded a copy of that file to the plaintiff for his review. Upon receipt of his public personnel file, Plaintiff found that his FBI report had been ILLEGALLY placed into the file and released to the public. He also discovered by the date and location of the receiving Fax machine printed at the top of the FBI document, that the document had been outside of the human resources office in CRIMINAL violation of BOTH Michigan's Set Aside Law and several statutes of Michigan's Revised School Codes.

[28] Again, all of the referenced documents, including Harris' two defamatory letters are included in the original Complaint to the Ingham County Circuit Court.

[29] Weaver's statements are on the bottom of page 13 and top of page 14 of the Washtenaw County Circuit Court transcript of the hearing for defendants' Motion for Summary Disposition, which ended up in a dismissal of the plaintiff's claims by Judge Melinda Morris. Note again that the words printed in all caps are blatantly FALSE.

And Weaver, addressed as "counsel" by Judge Morris, even continued:

> *"You know, HAD MY CLIENTS NOT DONE ANYTHING, you know, HAD THEY LEFT HIM AS AN EMPLOYEE and he does something wrong, WE'RE HERE FOR A DIFFERENT LAWSUIT. We're here because some parent says you this guy had a conviction for* [redacted] *your Honor, we did the right thing and we would ask that the Court grant summary disposition."*[30]

By the end of the hearing for the Defendants' Motion of Disposition, Plunkett and Cooney attorney Michael D. Weaver was "spewing" to the judge anything that came to his mind just to maintain verbal dominance of the judicial proceeding. It did not matter whether it was true or not, and it did not matter whether it was relevant or not, as long it sounded convincing enough for the judge to allow him to go on talking. For example, on page 31 of the Washtenaw County Circuit Court transcript of that hearing, Michael Weaver FRAUDULENTLY presented to Judge Morris very specific Texas statutes when talking about the effect of a Texas "set aside", a Texas governor's pardon, and an "expunction" of remaining criminal history. Noting that **the words typed in all caps below are blatantly FALSE statements**, Michael Weaver stated the following to the Washtenaw County Circuit Court to seal the judge's grant for his "Motion for Summary Disposition",

> *"But what the statute and the code doesn't say, and you can look at Texas Constitution Article 4, Section 11,IT JUST SAYS IT ABSOLVES THE PARTY OF THE LEGAL CONSEQUENCES THAT WERE IMPOSED.*[31] *You cannot deny [the crime] ever happened. YOU CANNOT DO THAT UNTIL YOU GET AN EXPUNCTION and THAT'S WHY THE EXPUNCTION WAS SECURED BY THIS GENTLEMAN A YEAR AFTER HIS TERMINATION*[32]*. And as I pointed out in paragraph of that document, your Honor –* ***I'll find it so I don't paraphrase it*** *– Well, first of all, on the second page it says the pardon was issued making him eligible for expunction. SO HE KNEW AT THAT POINT HE WAS*

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[30] Plaintiff wishes the Attorney Grievance Commission to note that as time reveals the TRUTH, **the plaintiff David Schied had two prior years of teaching experience in California that were already known by the defendant Sandra Harris prior to her terminating him from employment. Subsequently, with two years of employment struggle as a part-time substitute teacher for the Northville Public School District, the plaintiff earned two letters of recommendation from two school principals at that school district. Currently the plaintiff, David Schied is in his third full-time employment year teaching for the Brighton Area School District. No such "*different lawsuit*" has present itself as Weaver had predicted would happen, and neither has any parent made any such claim as attorney Weaver stated to Judge Morris**. Such MISLEADING claims made by Michael Weaver served no other purpose than to instill "fright" as an unwarranted factor in the making of the judge's erred decision to grant summary disposition to the co-defendants of Sandra Harris and the Lincoln Consolidated School District.

[31] Texas Constitution, Article IV concerns the "*Executive Department*" of the Texas government, and Section 11 states as follows: "*In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe he shall have power to remit fines and forfeitures. With the advice and consent of the senate, he may grant pardons in cases of treason, and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature; provided, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the secretary of state his reasons therefor.*"

[32] "Counselor" Weaver is offering nothing but conjecture here. Plaintiff's purpose for securing the "expunction" was actually to provide the most expedient way of getting the FBI record "corrected" given its availability through the plaintiff's quarter-century old qualification, and the willingness of the Texas office of the Harris County prosecutor to fully assist in the matter given the circumstances of the plaintiff having lost his employment over this matter. The FACT is that there may have been other means of getting the FBI report "corrected", however it would have likely entailed the plaintiff to have to look into all the laws governing the effect of Texas set asides and pardons, and state administrative codes on the maintenance of those records. The "expunction" therefore afforded the plaintiff the fastest opportunity to clear simply clear EVERYTHING, which should have only been the remnants of the plaintiff's "ARREST" record after having received the court-ordered "set aside" and the governor's executive pardon with full restoration of civil rights.

> *ELIGIBLE BUT HE DIDN'T DO ANYTHING ABOUT IT[33]. Then it says in paragraph 1 that the expunction is granted[34]. Paragraph 2, 'The Respondent (inaudible) State of Texas, shall return all records and **files concerning that CONVICTION'**.[35]" Paragraph 3, 'That the State of Texas shall delete it from their records'…."*

Most significantly, **the "theatrics" displayed by Weaver here constitutes GROSS MISCONDUCT, OBSTRUCTION OF JUSTICE, CONTEMPT, and PERJURY OF OATH to the Court by INTENTIONALLY MISQUOTING paragraph two of the Texas expunction document**. Paragraph two in its entirety actually reads as follows:

> "*The respondents shall return all records and files concerning the above-specified ARRESTS to this Court, or if removal is impracticable, obliterate all portions of the records or files that identify this petitioner, including all computer entries, and notify the court of its actions.*"[36]

First in regard to the statements above, it should be noted that the law governing the type of "set aside" received by the plaintiff is written under Article 42.12 of the Texas Code of Criminal Procedure. The "meaning" of such a set aside is clearly detailed in the 2002 Texas Court of Appeals' case introduced to the Court by plaintiff's Michigan attorney Joe Firestone as "*Rudy Valentino Cuellar v. State of Texas*", which should have been construed as the "controlling law" in this case.

The Attorney Grievance Commission of the Michigan State Bar should also note that, in submitting the contents of his "*Motion for Summary Disposition*", **Plunkett and Cooney attorney Michael Weaver has submitted his signature to each of these above referenced courts along with a sworn statement that what he is presenting to each court was "true and accurate". As such, and in consideration of the above statements and evidence as referenced above, Michael Weaver is in violation of Michigan Rules of Professional Conduct [Rule 2.114(b)] and in CRIMINAL VIOLATION for his PERJURY and laws governing OBSTRUCTION OF JUSTICE. Plaintiff believes that this Attorney Grievance Commission should take this into account and admonish the proper sanctions against this attorney for his proven ongoing practice of DEFRAUDING the Michigan Courts**.[37]

For attorney Michael D. Weaver's UNETHICAL AND ILLEGAL MISCONDUCT, and for his instrumental role in "aiding and abetting" the co-defendants in their ongoing criminal offenses,

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[33] Weaver again offers conjecture here about what he believed Plaintiff did or did not know at the time he applied for and received his Texas governor's pardon over two decades prior in 1983.

[34] **Weaver fails to continue his reading of paragraph 1 where, after stating that the expunction is GRANTED, it the paragraph then goes on to state that "…*ALL RELEASE, DISSEMINATION OR USE OF RECORDS PERTAINING TO SUCH ARRESTS AND PROSECUTIONS IS PROHIBITED*." Weaver's representation to the Court was thus, grossly NEGLIGENT and MISLEADING, by bringing focus to the "granting" aspect of the paragraph while intentionally leaving out the information that would have otherwise "incriminated" his client.**

[35] **The FACT is that the Texas expunction document actually had the word "ARREST" written in place of the word referenced by Weaver as "CONVICTION". Clearly, Attorney Weaver is misleading the Court to believe that he is reading directly from the Texas court-ordered expunction document while substituting words of his own for those actually in the document as needed to suit his PURPOSE OF MISLEADING the Washtenaw County Circuit Court and Judge Melinda Morris.**

[36] The underlined words from this sentence are the ones that Weaver modified in court while pretending to read directly from the Texas "expunction" document.

[37] **Rule 2.114(E)** provides sanctions for this violation stating, "***If a document is signed in violation of this rule, the court, on the motion of a party or on its own initiative, SHALL IMPOSE upon the person who signed it, a represented party, or both, AN APPROPRIATE SANCTION, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including reasonable attorney fees***."

In addition, **Rule 2.116** provides GROUNDS FOR PENALTIES against attorneys who file "Motions" or affidavits IN BAD FAITH. **Rule 2.116(F)** states, "***A party or AN ATTORNEY found by the court to have filed a motion or an affidavit in violation of the provisions of MCR 2.114 may, in addition to the imposition of other penalties prescribed by that rule, BE FOUND GUILTY OF CONTEMPT***."

PLAINTIFF DAVID SCHIED HAS NAMED PLUNKETT AND COONEY ATTORNEY MICHAEL D. WEAVER AS A "CO-CONSPIRATOR" AND A "CO-DEFENDANT" IN HIS CRIMINAL COMPLAINT OF CRIMINAL RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS (RICO), A CASE NOW RESIDING UNDER "CLAIM OF APPEAL" IN THE MICHIGAN COURT OF APPEALS IN LANSING.

In final, I believe that Mr. Weaver should be held accountable for what he has cost me directly in costly attorney fees and by his compounding my emotional distress. I also believe that he should also be held accountable for his "moral turpitude", and for what he has done in violating his oath to the State of Michigan by both lying to the judge in court and by failing his sworn duty to maintain the integrity of the judicial process, by engaging in conduct that is prejudicial to the administration of justice.

Respectfully submitted,

Enclosures:

1) Transcript of Washtenaw County Circuit Court Motion Hearing dated October 26, 2005

2) "Brief in Support of Defendants' Response to Plaintiff's Motion for Partial Summary Disposition" as dated October 18, 2005 to the Washtenaw County Circuit Court

3) "Brief on Appeal of Defendants-Appellees" as dated 2/21/06 in the Michigan Court of Appeals

4) "Appellant's Reply Brief" as filed 3/7/06 in the Michigan Court of Appeals

5) "Application for Leave to Appeal" to the Michigan Supreme Court dated 8/4/06

6) "Brief in Opposition to Plaintiff's-Appellant's Application for Leave to Appeal" (to the Supreme Court)

7) "Reply to Appellees' Brief in Opposition to Plaintiff's-Appellant's Application for Leave to Appeal" (to the Supreme Court)

8) "Brief of Support of Motion for Summary Disposition" dated October 8, 2007 to the Ingham County Circuit Court

9) Three sworn Affidavits (along with meeting minutes) of Claudia Gutierrez, Donnie Reeves, and Linda Soper