

**Urgent: Federal Court - Lincoln Consolidated Schools**

Wednesday, February 3, 2010 9:34 AM

From: "David Schied" <deschied@yahoo.com>**To:** "Cheryl Salisbury" <csali@hotmail.com>

Dear Mr. Salisbury,

Yesterday I went to the U.S. District Court for a "scheduling meeting" in front of Judge Denise Page Hood. This is a case that I filed for the latest offense by the Lincoln Consolidated Schools after receiving a sworn and notarized Affidavit from my son's social worker testifying to the fact that in March 2009 the Lincoln Schools had again criminally disseminated a copy of the 2003 FBI report, along with copies of my 1979 "set aside" and Sandra Harris' two defamatory letters from 2004, under the Freedom of Information Act.

The gist of this case is that I filed this NEW "occurrence" in the Washtenaw County Circuit Court along with a "Motion for Writ of Mandamus for Superintending Control" for the judge to order county law enforcement officials to do their jobs in arresting and prosecuting the criminal offenders. I filed the case based on the single "occurrence" of defamation, and based upon all the documentation that I have over these years showing a "criminal conspiracy to violate state and federal public policy" and "conspiracy to extortion" and other offenses. Plunkett-Cooney attorney Michael Weaver, who you faced in 2008 in Judge Borman's U.S. District court (dismissed with sanctions over our heads), had sent me a "Notice of Transfer" of the case from the Washtenaw County Circuit Court to the U.S. District Court. His premise is clearly "fraudulent" as he claims that I am basing my complaint upon the "same occurrence" of being terminated from my employment in 2003 (which is the same argument he fraudulently made to Judge Borman in 2008 causing him to rule "res judicata" and "collateral estoppel").

Although I filed a very thick "Response to Notice of Transfer", yesterday when I appeared at the scheduling conference the judge seemed not to know anything about it. I arrived with a "witness" in tow to the meeting, and so Judge Hood held the scheduling conference "on the record". Again, Weaver fraudulently claimed that he had transferred the case because he says I have filed 5 cases now against his clients based upon the "same occurrence". I clarified "on the record" that I had filed a written "Response" that offered proof not only of the fact that the occurrence was NEW, but that offered evidence that attorney Weaver had committed "fraud upon" every court in which he has appeared against me including this one yesterday.

Unknown to me until yesterday, Weaver had also filed a "Motion to Reassign Case to Hon. Paul D. Borman". Because he failed to serve me correctly, he gave me a copy of the "motion" yesterday and the judge said that I had two weeks in which to respond. The motion was only 4 pages and continues to claim that the basis of my complaint is "the same occurrence" as the previous case that you had filed.

I asked Judge Hood what was to become of my "Response to Notice of Transfer" since it had everything I thought would be needed to dispute the entire matter, and because she refused to either look at the Sworn and Notarized Affidavit of my son's social worker (as witness to the NEW occurrence in 2009) and because she was also unwilling to discuss my thick "Response", which I had otherwise brought to court along with the "plain and simple" sworn "Affidavit of Earl Hocquard". The judge responded that she would review my "Response" to see if it might be considered a "Motion" of my own. She also stated that despite Weaver's "Motion to Reassign Case to Judge Borman", she would retain the case at least long enough to review my "Response" and to set the scheduling (which was completed yesterday).

The purpose in my writing you is to let you know that if Weaver's "cause of action" puts this case back into Judge Borman's hands under the "same case" that was dismissed against us in 2008 (which I took to the Sixth Circuit Court with the added 2009 evidence under a "Motion for Immediate Consideration" last summer), the case would essentially be "reopened" at a point in which you were my "attorney of record". I don't know where that puts us in regard to our previous "contract" for you to handle that case; but I have a solution that I hope will

by Friday?

not intimidate you.

My solution is....since I HAVE to file a "Response to Motion to Reassign Case to Judge Borman", that I pay you separately to basically draft a "Memorandum" that addresses all of the issues as if you were filing the "Response" brief and giving your professional view of the basis of my NEW case coming up because Judge Borman chose not to do his job to begin with in 2008. (However you'd like to word it.) Then, I would file my own "concise" Response myself with a reference to your "Memorandum" as testimonial support, along with any evidence you think should go into this. (Weaver was very upset that I had filed a whole bunch of evidence showing the number of ways that he had defrauded previous courts, including a copy of a Complaint I filed with the Attorney Grievance Commission in 2008, so Judge Hood requested that I simply REFER to evidence already in record rather than to attach it as another exhibit.)

I believe that this is important since it reflects upon our previous attorney-client contract by the re-opening of our case....IF Weaver is successful in keeping this NEW OCCURRENCE from being "heard" by the Washtenaw County Circuit Court where I filed it in December. Please help me by taking me up on this "memorandum" idea, as my paying you for that should help me to get your professional opinion of the "issues" I will need to address in battling Weaver while working to get this case back to the Washtenaw County Circuit Court where it should be.

I'll be anxiously awaiting your call or return email. Thanks.

Sincerely,
David

(2) Oral hearings on all other motions will be held unless the judge at any time prior to the hearing orders their submission and determination without oral hearing on the briefs filed as required by this rule.

(3) The motion must be filed with the clerk of the court who will forward it to the assigned judge. The judge will set or cause to be set a date for hearing, notice of which will be given to the parties. Inquiries regarding time of hearing may be directed to the judge's chambers.

(f) Additional Time to File Supporting Documents and Brief. When it is indicated in a motion, response or written request that the filing of additional affidavits or other documents in support or opposition is necessary, the judge to whom the case is assigned may enter an *ex parte* order (which must have been prepared by the party making the request) specifying the time within which such additional documents and brief must be filed, or approve any written stipulations in regard thereto. A copy of an *ex parte* order so entered must immediately be served upon opposing counsel or a party without counsel. Counsel or a party without counsel obtaining such order must also immediately notify opposing counsel or a party without counsel personally or by telephone of the signing of the order. A party against whom an *ex parte* enlargement of time has been granted may immediately move for a dissolution of the order granting enlargement.

(g) Motions for Rehearing or Reconsideration.

(1) Time. A motion for rehearing or reconsideration must be filed within 10 days after entry of the judgment or order.

(2) No Response and No Hearing Allowed. No response to the motion and no oral argument are permitted unless the court orders otherwise.

(3) Grounds. Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

COMMENT: Federal Rule of Civil Procedure 6(b) permits a party to seek an enlargement of time "with or without a motion . . . if request therefor is made before the period originally prescribed." Fed. R. Civ. P. 6(b)(1). Although the court generally prefers that such relief be sought by stipulation or motion, if a party chooses to seek relief by means of a "request," LR 7.1(a) requires contact with other

1) Look up 28 U.S.C. 1446(a) - Notice of Removal

Supporting statements - Misleading (names) are some of the defendants (check if I listed "DOES")

- Based on federal question

- Jurisdiction is under 28 USC Sec 1332(a)(1) - look up

False -> Plaintiff initiated a prior cause of action arising out of the same transaction & occurrence - (Borman's case) granted summary judgment - court rights

-> get Weaver's pleadings for this case

Show how Weaver's pleadings were same as School v. State of Michigan in both referencing School v. Sandra Harris & Lincoln - wrongful termination

- No courts concerning wrongful termination need

- Courts related to conspiracy to cover + defamations + theft of govt property

* Start by (a) Weaver is defrauding court

(b) " has long history of defrauding courts

(c) This case concerns conspiracy to defame using theft of govt property - 3rd party witness

(d) Crimes in 2009 could not possibly have been decided in 2005

(e) Weaver defrauding Courts - Ingham County, Borman

(f) Send Weaver - Attorney Borman complaint - defrauding in 2005 & 2006

2 Weaver's arguments (Borman's arguments) claim

1 US. Court case dismissed by Borman before 2009 offense
2 Weaver got dismissal based on his argument that Z was retaliating to Lincoln termination in 2003 filed in 2004-2006.

* Got case arguments from each
Weaver says U.S. Dist. Court case is same