

STATE OF MICHIGAN

22nd JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

AFFIDAVIT AND ORDER
SUSPENSION OF FEES/COSTS

CASE NO.

Court address

Court telephone no.

P O Box 8645, 101 E. Huron St., Ann Arbor, MI 48107

(734) 222-3001

Plaintiff/Petitioner name, address, and telephone no.
David Schied 26075 Northville Place Dr #3120
~~101 E Huron St. Ann Arbor~~
~~P.O. Box 8645 Northville, MI 48167~~

Defendant/Respondent name, address, and telephone no.
Laura Cleary; Sandra Harris; Cathy Secor; Diane Russell; Sherry Gerloff; Lincoln Consolidated Schools Board of Education, et. al; Does 1-30

Plaintiff's/Petitioner's attorney, bar no., address, telephone no.

Defendant's/Respondent's attorney, bar no., address, telephone no.
40 Lincoln Consolidated Schools
8970 Whitaker Rd.
Ypsilanti, MI 48197

Probate In the matter of _____

NOTE: Requests for waiver/suspension of transcript costs must be made separately by motion.

AFFIDAVIT

1. The attached pleading is to be filed with the court by or on behalf of David Schied Name
applicant, who is plaintiff/petitioner. defendant/respondent.

2. The applicant is entitled to and asks the court for suspension of fees and costs in the action for the following reason:

a. S/he is currently receiving public assistance: \$ _____ per _____ Case No.: _____

b. S/he is unable to pay those fees and costs because of indigency, based on the following facts:

INCOME: see attached Affidavit and Motion
Employer name and address _____

Length of employment _____ Average gross pay _____ Average net pay _____ per week. month. two weeks.

ASSETS: State value of car, home, bank deposits, bonds, stocks, etc.

OBLIGATIONS: Itemize monthly rent, installment payments, mortgage payments, child support, etc.

3. The number of people living in the applicant's household is 3

4. (in domestic relations cases only) The applicant is entitled to an order requiring his/her spouse to pay attorney fees.

REIMBURSEMENT: It is understood that the court may order the applicant to pay the fees and costs when the reason for the waiver or suspension no longer exists.

David Schied
Affiant signature

Subscribed and sworn to before me on 12/11/09 Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: Christine Tait
Deputy clerk/Registrar/Notary public

Notary public, State of Michigan, County of _____

(SEE REVERSE SIDE FOR ORDER)

CHRISTINE TAIT
Notary Public, Washtenaw County, MI
My Commission Expires Oct. 27, 2013

CERTIFICATION OF ATTORNEY

- 1. I have reviewed the affidavit of indigency, and I certify that its contents are true to the best of my information, knowledge, and belief.
- 2. I will bring to the court's attention the matter of suspended costs and fees and the availability of funds to pay them before any disposition is entered. I will report at that time any changes in the information contained in the affidavit of indigency or any other information regarding the affiant's financial status or alterations of the fee arrangement.

N/A

_____ Date

_____ Attorney signature

_____ Attorney name (type or print) Bar no.

CERTIFICATION BY PERSON OTHER THAN PARTY

- 1. I have personal knowledge of the facts appearing in the affidavit.
- 2. The person in whose behalf the petition is filed is unable to sign it because of

minority: _____ other disability: _____
Date of birth Nature of disability

Relationship: _____

_____ Date

_____ Affiant signature

_____ Affiant name (type or print)

_____ Address

_____ City, state, zip Telephone no.

ORDER

IT IS ORDERED:

[Handwritten signature]
ON RECONSIDERATION
 1. Fees and costs in this action required by law or court rule are waived/suspended until further order of the court. Before any final disposition or discontinuance is entered, the moving party shall bring the fee and costs suspension to the attention of the judge for final disposition.

2. The applicant's spouse shall pay the fees and costs required by law or court rule.

[Handwritten mark] 3. This application is denied.

~~DEC 14 2009~~

Date **DEC 15 2009**

[Handwritten signature]
 _____ Judge/Magistrate Bar no.
[Handwritten signature]

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

David Schied,
Plaintiff,

Case No.

V

Hon.

Laura Cleary in her individual and official capacity
as Lincoln Consolidated Schools Superintendent;
Cathy Secor in her individual and official capacity
as Lincoln Consolidated Schools business office
manager;
Sandra Harris in her individual and official capacity
as former Lincoln Consolidated Schools
Superintendent
Diane Russell in her individual and official capacity
as Lincoln Consolidated Schools FOIA
Coordinator and Administrative Assistant;
Sherry Gerlofs in her individual and official capacity
As Lincoln Consolidated Schools the Human
Resources Administrative Assistant
Lincoln Consolidated Schools Board of Ed et. al
& DOES 1-30

Defendants. /

David Schied – Pro Per
20075 Northville Place Dr. North #3120
Northville, MI 48167
248-924-3129;
deschied@yahoo.com

**MOTION FOR WAIVER OF FEES
and
FOR FILING A PLEADING AND
SERVICE ON AN ADVERSE PARTY
CONSTITUTING NOTICE OF IT TO
ALL PARTIES**

DEMAND FOR JURY TRIAL / DEMAND FOR CRIMINAL GRAND JURY

Here comes the Plaintiff, filing with a “*forma pauperis*” status and as a CRIME VICTIM as shown by the accompanying “*Affidavit of Financial Status*” and “*Statement of Indigency and Demand for Immediate Consideration by Complaint of Criminal Victimization*”. The Plaintiff means to clarify that he is filing this case as also a CRIME REPORT; and that he is reporting himself to be the VICTIM of many alleged CRIMES perpetrated by the co-defendants. Those “*Accused*” of the crime(s) are listed above in this civil case as the “co-*Defendants*”.

MOTION

1. IOP 7.219(G)-2 states, “*A party may move to waive fees owing to the Court by filing a motion conforming to MCR 7.211 that is accompanied by an affidavit disclosing the reason for the inability to pay the fee.*”
2. MCR 2.119(G)(3) provides that, “*A motion fee may not be charged (a) in criminal cases; and, (d) if the motion is filed at the same time as another document in the same action as to which a fee is required.*”
3. By this signed Affidavit and based minimally upon the above listed statutes, procedures and rules, Plaintiff, David Schied, hereby makes declaration that the case being presented before this Washtenaw County Circuit Court, involves criminal offenses for which he and his family are unrecognized “CRIME VICTIMS”.
4. Though this case has been filed in a civil court, it calls for a “Writ of Mandamus” for a “Grand Jury” investigation and indictments to be issued by this Court because Plaintiff has properly filed the criminal claims with the Washtenaw County Sheriff and the Washtenaw County Office of the Prosecutor and yet been left without “*due process*” for the proper handling of these criminal matters through use of the Michigan Code of Criminal Procedures. As a result of an ongoing “conspiracy to deprive of rights” by the co-Defendants and others, Plaintiff’s family has been subjected to well over a hundred thousand dollars in just financial damages over the course of the past six (6) years that these crimes have continued unabatedly to be perpetrated, with the most recent proof of the crimes occurring again in 2009 being documented in a “Sworn and Notarized Affidavit” of a third party witness.
5. This court case involves evidence of the discriminatory denial of employment, defamation, and the denial of civil rights, to criminal protection, and to other victims’ rights. Altogether

these crimes have placed Plaintiff and his family in severe financial hardship, and while the crimes continue to be perpetuated by the co-defendants.

6. Not only does Plaintiff simply lack the funds to pay for the costs of filing his Complaint or the other fees expected in these proceedings, he also lacks the wherewithal to personally finance the continual copying costs for ensuring that all the co-defendants get individual copies of each of the pleadings he is filing. Plaintiff wishes this Court to note that the co-defendants are already enjoined together by being employed at the same location and/or by having been represented in the past by the same attorney and law firm when facing civil court proceedings in the past against Plaintiff.
7. Plaintiff brings this “*Motion*” therefore, in part, because there are NUMEROUS PARTIES involved in the action.
8. **Rule 2.107(F)** provides that, “*The Court, on motion or on its own initiative, may order that (4) the filing of pleading and service on an adverse party constitutes notice of it to all parties*”.
9. When filing his initial **Complaint of 82 pages**, Plaintiff was subjected to providing “*service*” to EACH of the named six (6) co-defendants at a high cost of dollars in duplication and certified mailing fees. At the time of filing his Complaint with the Washtenaw County Circuit Court, the plaintiff provided **35 separate “*Exhibits of Evidence*”**, each consisting of numerous pages and amounting to an overall thickness of a full “ream” of paper documents that he could not afford, as a CRIME VICTIM, to copy and provide to each of the alleged “*criminal perpetrators*” named as co-defendants in this case.
10. Plaintiff calls the Court’s attention to **MCL 776.21** that states, “*Whenever the attorney general shall institute criminal proceedings in any county in this state, all costs incurred in*

such proceedings, except the pay of circuit judges, prosecuting attorneys, and circuit court stenographers, may be paid by the state with the approval of the STATE ADMINISTRATIVE BOARD”.

11. In addition, **MCL 775.20** states, *“The expenses of all prosecutions against persons holding or who may have held state office, for malfeasance in office, shall be paid from the general fund, by the STATE TREASURER, and the board of state auditors are hereby authorized and empowered to ALL JUST AND LEGAL CLAIMS for such prosecutions, and this section shall be deemed to apply to the expenses of any prosecution already commenced, as well as to any which may occur in the future.”*
12. In light of this motion, and the above statutes, and the FACT that this case is clearly one that includes multiple CRIMINAL COMPLAINTS presented to this Court, the plaintiff also relies upon **Rule 2.119(G)(3)** which provides that, *“A motion fee may not be charged (a) in criminal cases; and, (d) if the motion is filed at the same time as another document in the same action as to which a fee is required.”*
13. Plaintiff requests **“RELIEF”** from this Court of the overly burdensome costs of providing repeated service upon all the co-defendants separately, particularly given that they are already tied by the same school district as their current or former *“employer”*. Plaintiff also requests that this Court grant the plaintiff with the right to file future documents with the Court without having to provide service on ALL co-defendants separately.
14. Plaintiff therefore requests that the co-defendant representing the most number of parties in this case, the Lincoln Consolidated Schools BOARD OF EDUCATION, be charged with the task, and the costs of providing his other co-defendants with all of the current, and any future

“Motion” documents submitted by the plaintiff unto this Court. Plaintiff request that this also include providing each of the co-defendants with copies of the supporting Exhibits.

15. Plaintiff moves for the Court to issue an Order to:

- Permitting Plaintiff to proceed without payment of filing or any other court related fees, or service fees;
- Directing the clerk of the court to file the pleadings without payment of filing or any other court related fees; and
- Directing the Lincoln Consolidated Schools’ Board of Education to serve the papers in this action upon their co-defendants without charging fees for the service in accordance with this “Motion for Waiver of Fees and for Filing of a Pleading and Service on an Adverse Party Constituting Notice of It to All Parties”.

Pursuant to MCR 2.114(A)(2)(b), I declare the above statements are true to the best of my information, knowledge and belief.



DATED: December 9, 2009

By:

David Schied – Pro Per
20075 Northville Place Dr.
North #3120
Northville, MI 48167
248-924-3129
deschied@yahoo.com

**STATEMENT OF INDIGENCY AND
DEMAND FOR "IMMEDIATE CONSIDERATION" BY
COMPLAINT OF CRIMINAL VICTIMIZATION**

By the statements below I hereby declare the following:

1. This document is an accompaniment to the attached "AFFIDAVIT CONCERNING FINANCIAL STATUS" being provided in reply to a Michigan Court clerk's statement over the phone notifying me that to waive filing fees, David Schied must file an "*affidavit of indigency setting forth all income, assets, liabilities, and expenses*" for his case as filed along with his felony criminal complaint and demand for a jury trial.
2. As noted in nearly all of the other documents filed with Michigan courts in this case, David Schied is reporting himself and members of his family to be CRIME VICTIMS, with criminal misdemeanors and felonies being continuously perpetrated against him. Mr. Schied's sworn documents attest to his having properly reported these ongoing government crimes to the State Police and to the regional Sheriff in Washtenaw County; and Mr. Schied has provided evidence that the police officers who forwarded those crime reports to state prosecutors committed FELONY PERJURY when they maliciously manipulated the information and evidence, and while forwarding those reports to prosecutors in such a way that the prosecutor would find "*no evidence that crimes were committed*".
3. David Schied's sworn documents affirm that the evidence and sworn statements were provided directly to the prosecutors to no avail except to add evidence of their own felony "*abuse of prosecutorial discretion*" and "*misprision of felony*"; and while creating added documentation to demonstrate their intention to violate Mr. Schied's civil right to due process, criminal protection, full faith and credit, and equal opportunity employment.
4. David Schied's sworn documents and evidence affirm that he has previously brought similar, but NOT "the *same*", civil and criminal issues to the attention of the Washtenaw County Circuit Court, to the Michigan Court of Appeals, to the U.S. District Court, and to the Sixth Circuit Court of Appeals, at his own personal cost of having to pay for attorneys to represent those previous matters. These costs were incurred after David Schied had been wrongfully terminated from employment by one of the criminal co-defendants; while being illegally defamed by ALL of the co-defendants; and all while having to "*defame*" himself in the attempt to support his defendant family with intermittent part-time and eventually full-time employment, only to then eventually lose that full-time job due to that self-defamation. The transcripts of these previous circuit court cases themselves demonstrate an extensive and repetitive "PATTERN OF GROSS NEGLIGENCE, INCOMPETENCE, and CRIMINAL MALFEASANCE OF DUTY by the Judges hearing these cases, who all REFUSED TO ADDRESS THE CRIMINAL ASPECTS OF THE CO-DEFENDANTS' ACTIONS, WHILE PROVIDING JUSTIFICATION, SANCTION AND "*GOVERNMENTAL IMMUNITY*" TO THE CRIMINALS; and while **holding David Schied legally and financially "*liable*" for the consequences of these government co-defendants' ongoing criminal behaviors.**
5. David Schied has available Evidence showing that in 2005 Washtenaw County Circuit Court Judge Melinda Morris granted some of these very same Defendants a "*motion*" compelling Mr. Schied to "*self-incriminate*"; then subsequently admitted evidence of

“guilt” and a “conviction” into the record as matters of “fact”, essentially re-“convicting” Mr. Schied without due process of law, without a jury trial, and despite that he was the “plaintiff” in that earlier case.

6. David Schied’s sworn documents and evidence affirm that issues very similar to those in the accompanying Complaint have already been presented, through licensed Michigan attorneys to the Michigan Court of Appeals with Michigan judges ignoring the pertinent facts, ignoring **“fraud”** upon their courts by the co-Defendants’ previous Michigan attorney (a Plunkett-Cooney attorney by the name of Michael D. Weaver), while ignoring clear case **“precedence”** and certain **conflicts of laws** presented by this case; and while ignoring Mr. Schied’s rights under both Michigan and Texas laws, and under federal laws. **As such, David Schied has been, and is currently being held financially “liable” for these continuous violations of his own Constitutional rights, committed by government officials operating illegally “under color of law”.**
7. In regards to the above FACTS, David Schied believes that he has provided ample evidence to support accusations of a CRIMINAL CONSPIRACY and FEDERAL VIOLATIONS of the RACKETEERING INFLUENCED and CORRUPT ORGANIZATIONS ACT by the co-defendants named in this case. The **“pattern”** exhibited by all of the co-defendants thus far unconstitutionally mandates that Mr. Schied incur increasing personal debt in order to further these ever-compounding CRIMINAL allegations to the next place of judiciary address. This pattern of **“neglect”** and **“malfeasance”** has the effect of allowing the government co-defendants several distinct advantages. **David Schied has exhausted all of his worldly resources in dealing with these compounding criminal matters.** Additionally, by Mr. Schied being compelled by this Court to reveal any and all income and assets in order to qualify for **“forma pauperis”** status, the co-defendants may have an incentive to file illegal liens, or request sanctioning against all other means by which David Schied may continue his financial sustenance.
8. In addition, David Schied reasserts and RE-CLAIMS his rights under the William Van Regenmortor Civil Rights Act (Act 87 of 1985) and states the following:
 - a) **Co-Defendants named in this case, have committed FRAUD before in the courts by their Michigan attorneys. Judges have provided rulings that sanction and provide immunity for their government co-defendants’ “mischaracterization” of Mr. David Schied, which has effectually “stolen” Mr. Schied’s true identity and reputation, and continues to portray Mr. Schied under a “false light”.**
 - b) MCL 780.766 defines **“victim”** as, **“an individual who suffers direct or threatened physical, financial or emotional harm as the result of the commission of a crime...”**
 - c) 15 USC 1681(G) defines **“victim”** as, **“a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime”.**
 - d) MCL 780.754a, Sec. 4a(1) of the William Van Regenmortor Civil Rights Act provides that the term **“identity theft”** is defined under **Section 3 of Michigan’s Identity Theft Protection Act, (Act 452 of 2004)**, which encompasses a **“security breach”** and defines a **“breach of the security of a database”** as, **“the unauthorized access and acquisition of data that compromises the security or confidentiality of personal information maintained by a person or agency as part of a database of personal information regarding multiple individuals”.**
 - 1) MCL 445.65 of Michigan’s Identity Theft Protection Act states that: (1)(a) **“With the intent to defraud or violate the law, a person shall not use or attempt**

- to use the personal identifying information of another person to (i) obtain...services...property...or, (ii) commit another unlawful act”; and, (1)(b) “By concealing, holding, or misrepresenting the person’s identity, a person shall not use or attempt to use the personal identifying information of another person to commit another unlawful act.”*
- 2) **MCL 445.67 of Act 452 of 2004 prohibits the falsification of a police report of identity theft.**
 - 3) **MCL 445.69 (2) of this Act makes a violation (of Section 5 or 7 above) is guilty of a FELONY punishable by imprisonment for not more than 5 years or a fine of not more than \$25,000,00, or both.**
 - 4) **MCL 445.69 (5) stipulates that, “A person may assert as a defense in a civil action or as an affirmative defense in a criminal prosecution for a violation of section 5 or 7, and *has the burden of proof on that defense by a preponderance of the evidence*, that the person lawfully transferred, obtained, or attempted to obtain personal identifying information of another person for the purpose of detecting, preventing, or deterring identity theft or another crime or the funding of a criminal activity.”**
 - e) MCL 780.754a, Sec. 4a(1) of the William Van Regenmortor Civil Rights Act provides, “To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is ENTITLED to file a police report with a law enforcement agency in a jurisdiction where the alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency.”
 - f) MCL 780.758 (1) stipulates, “Based on the victim’s reasonable apprehension of acts...or intimidation by the defendant or at the defendant’s direction against the victim or against the victim’s family, the prosecuting attorney may move that *the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim’s address, place of employment, or other personal identification without the victim’s consent.*” This would certainly include the right of the victim not to be forced involuntarily to divulge the sole source or sources of his financial sustenance and support for his dependant family.
 - g) MCL 780.758 (2) reinforces Article I of the State Constitution of 1963 “*guaranteeing to crime victims the right to be treated with respect for their dignity and privacy*”, and prohibiting certain public release of information related to the victim. **Under such laws protecting even the use of the victim’s name in public records, and particularly given the nature of this case involving criminal violation of the Mr. Schied’s right to privacy, it is certainly within the “spirit” of Michigan law that David Schied relies to prohibit the disclosure of what, if anything, remains of his personal assets.** Under the conditions of this case, Mr. Schied would be providing these private financial matters openly to the criminal perpetrators named as co-defendants, and those who are otherwise directly closely affiliated with the judges of the Michigan Court of Appeals.
 - h) MCL 780.766, Sec.16(2) stipulates, “...in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant’s course of conduct that gives rise to the conviction or to the victim’s estate”; and, (3) “**If a crime results in**

damage to or loss or destruction of property of a victim of the crime or results in the seizure or impoundment of property of a victim of the crime, the order of restitution shall require that the defendant do 1 or more of the following, as applicable: (a) Return the property to the owner of the property or to a person designated by the owner; and, (4) If a crime results in physical or psychological injury to a victim, the order of restitution shall require that the defendant: (a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care; and (d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the crime.”

9. Notwithstanding the above as proper justification for this Washtenaw County Circuit Court to “hear” this case IMMEDIATELY and to allow it to be scheduled for trial by jury, David Schied wishes to make record, by this Affidavit, of the following:
- a) Accumulated personal assets, including auto, home furnishings, and financial assets of Mr. Schied are estimated at being no more than \$5,000 in total value. Forcing the Petitioner to provide any form of itemized statement listing such assets would be unduly burdensome and unconstitutional given that this case involves criminal offenses that continue to have a detrimental effect upon David Schied and his family, as well as their finances; and because, as a CRIME VICTIM, making an accurate assessment of assets is virtually impossible given the resulting accumulation of insurmountable damages the Mr. Schied has sustained, and continues to sustain, both emotionally and financially.
 - b) Other than the income listed on formatted page 1 of this “*Affidavit*”, David Schied has no other source of “*income*”. He receives no assistance whatsoever from his estranged learning-disabled wife from her part-time employment position as a retail store stockperson who is earning just above minimum wage.
 - c) It should be noted by this Court that Mr. Schied is substantively the sole financial supporter of his family. As a causal effect of the initial crimes against David Schied by Lincoln Consolidated School District administrator Sandra Harris in late 2003, Mr. Schied was forced to borrow money and close down all of his institutional savings, as well as his wife’s retirement fund and his child’s educational savings, in order to survive, and while paying for extended medical costs for his wife and child, and himself. These accrued medical costs have well exceeded **\$30,000 and were all paid for from borrowed funds that still need to be repaid and for which victim restitution is currently owed.**
 - d) It should also be noted by this Court that because Mr. Schied’s wife has had a documented “*lifetime learning disability*” and an “*attention deficit disorder*”, Mr. Schied’s marriage relationship in 1994 was consummated with an understanding that he would likely be the primary provider to the family. That understanding was reinforced in 2003 when Mr. Schied and his wife decided together to move to Michigan, without friends or family in this region of the country, in belief of what was then touted by several research studies that the Ann Arbor area of Michigan was one of the “*best places*” to raise and educate a family. After criminal co-defendant Sandra Harris terminated Mr. Schied’s employment, defamed him, and illegally disseminated erroneous criminal history information about Mr. Schied however, Mrs. Schied became deeply depressed. Since childhood, Mrs. Schied has additionally had a “*dependency disorder*” and “*eating disorder*” about which Mr.

- Schied had been mostly unaware until after this victimization began to occur by the co-defendants and those compulsions were exacerbated. When this victimization started, Mrs. Schied's wife's disorders all became very much more pronounced and with increases in anxiety and fears about having to find a job to support her husband.
- e) When faced with the prospect of her husband's inability to secure adequate employment, and when faced with her husband's need for her to work a job for which she felt unqualified for providing the family's sustenance, Mrs. Schied became suicidal. As a result of this long-term depression, **Mrs. Schied incurred staggering credit card debts in excess of another \$30,000 for which she has never been able to repay, and for which she still owes. Those creditors are now holding Mr. Schied just as accountable for those debts as his wife under the laws of this state, despite that Mr. Schied never knew about her uncontrollable and addictive spending until after Mrs. Schied's credit cards were cancelled for lack of payment.**
 - f) Though Mr. Schied has had his family in individual psychotherapy, in marriage counseling and family counseling from about the time of that the Lincoln Consolidated School District terminated his employment in 2003, during the early summer of 2004 Mrs. Schied became so distraught that she sought to flee the state of Michigan with their only child of elementary school age. When Mrs. Schied fled with their child back to California, Mr. Schied was forced to hire an attorney and to file for a legal divorce in order to secure a court-ordered judgment for the safe return of the child to Michigan. Meanwhile, Mr. Schied worked with his personal and family therapists in getting his wife to move back to Michigan while divorce proceedings continued into the subsequent year.
 - g) Despite thousands of dollars paid out in attorney fees, Mr. Schied cancelled the divorce proceedings the day before his divorce was to be final. Mr. Schied's decision to stay in the marriage was based both upon the commitment by his wife to continue with individual, couples, and family counseling and because his individual and couples therapist strongly believed that the marriage could be salvaged and recommended it. Unfortunately, in the past couple of years of ongoing criminal victimization by the co-defendants, and in the face of relentless – seemingly obsessive – yet unsuccessful efforts to regain back his damaged personal and professional reputation, Mrs. Schied continues to be dissatisfied with Mr. Schied's ability to provide for the family and she has long ago stopped participating in counseling treatment.
 - h) In addition, **Mr. Schied has found an element in truth to the claim that the persistent condemnation of a person for an act by which they have already been "forgiven" tends to "harden the heart" as it pertains to the forgiveness of others. Perhaps this explains his fervor and dedication toward seeing his criminal perpetrators prosecuted, not as a vindictive "eye-for-an-eye" but in truth of the fact that "as we judge others, so too we are judged".**
 - i) **Mr. Schied's patience with his wife's disabilities, her addictions, and her unrelenting demands has been increasingly running thin; and when coupled with Mrs. Schied's incessant tendency toward blaming him for the family's dilapidated socioeconomic position, the pressure to meet all of these "liabilities" has risen to such extent that Mr. Schied has recently changed the agenda of their counseling sessions toward that of "separation" counseling. Currently, Mr. Schied is having the family therapist prepare his wife and child for the added family trauma of a costly divorce, and by which Mr. Schied expects to be**

additionally the one solely “liable” for a repeat – even a compounding – of those previous divorce proceeding costs.

j) The counseling firm that has managed Mr. Schied’s individual, couples and family therapy and counseling for his family has been extending their credit to Mr. Schied for their services, and for the ongoing costs of medical “co-pays” and full payments that continue to accumulate since Mr. Schied was “*constructively*” terminated from his last job by yet another school district acting against him in “*retaliation*” for his “*self-incrimination*” while sticking up for his victim rights. Though that “*wrongful termination*” case is still pending, neither Mr. Schied nor his wife has been able to pay for their family’s ongoing counseling expenses for the past four years. The co-pay amounts estimated to be owed by the Schied family just for these counseling sessions amounted to about \$12 per visit and running approximately 150 visits per year for four years since early 2004. **As of about two years ago when Mr. Schied was terminated from his employment, that amounted to over \$10,000 owed on co-pay amounts to this one doctor’s office alone. That amount has nearly doubled to \$20,000 since Mr. Schied lost his health insurance. Also, this does not include the plethora of other unpaid doctor and dental co-pay amounts associated with the physical toll all these legal proceedings have generated, and for which bills and or collection notices continue to be sent.**

10. The above-described “*liabilities*” are just an abbreviated summary of the past, present, and future “*damages*” caused by the co-defendants’ INTENTIONAL GROSS NEGLIGENCE, INCOMPETENCE, and CRIMINAL MALFEASANCE OF THEIR GOVERNMENTAL DUTY. These are “*damages*” for which David Schied insists that these co-defendants should be held accountable for paying back to the VICTIM, David Schied, and his family as a civil “*award*” for damages” or criminal “*restitution*”.

11. **Under these circumstances, and given the nature of this case, David Schied believes that these financial FACTORS should all be taken into account by this Washtenaw County Circuit Court when deciding to take IMMEDIATE action on this case, and by NOT following the previous government pattern of simply dismissing this case and Mr. Schied’s civil and criminal complaints. To do so would only serve to further support Mr. Schied’s claims about an ever-growing “*criminal conspiracy*” involving a corrupt Michigan government and judiciary that serves to protects only “*their own*”, and while intentionally neglecting to act in the best interests of the law-abiding citizens of this otherwise great State of Michigan.**

By this signed affidavit and based upon the above, I, David Schied, hereby make declaration that the statements made in this Affidavit are correct to the best of my knowledge; and that the case being presented before this Washtenaw County Circuit Court, involves criminal offenses for which my family and I continue to be postponed for the issuance of justice despite clearly being the “CRIME VICTIMS”.


Dated December 9, 2009

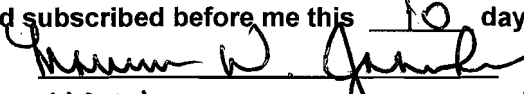


David Schied
20075 Northville Place Dr. North #3120
Northville, MI 48167
248-924-3129

I solemnly declare that the above statements are true to the best of my information, knowledge and belief.

Respectfully submitted,

Dated: 12/10/09 By: 
David Schied

Sworn to and subscribed before me this 10 day of December, 2009.

Notary Public, WAYNE County, Michigan acting in WAYNE County Michigan.
My Commission Expires: 6-29-2013

MAUREEN A. JAHNKE
Notary Public, State of Michigan
County of Wayne
My Commission Expires Jun. 29, 2013
Acting in the County of WAYNE



KELLY A. ROBERTS
ATTORNEY AT LAW
JUDICIAL ATTORNEY
JUDGE DONALD E. SHELTON

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*Received complaint on 12/15
& said she'll make sure
judge gets Motion for
Reconsideration. Call back today
or tomorrow.*

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

David Schied,
Plaintiff,

v

Case No. *Motion for Reconsideration*

Hon. JUDGE DONALD E. SHELTON

Laura Cleary in her individual and official capacity
as Lincoln Consolidated Schools Superintendent;
Cathy Secor in her individual and official capacity
as Lincoln Consolidated Schools business office
manager;
Sandra Harris in her individual and official capacity
as former Lincoln Consolidated Schools
Superintendent
Diane Russell in her individual and official capacity
as Lincoln Consolidated Schools FOIA
Coordinator and Administrative Assistant;
Sherry Gerlofs in her individual and official capacity
As Lincoln Consolidated Schools the Human
Resources Administrative Assistant
Lincoln Consolidated Schools Board of Ed et. al
& DOES 1-30

Defendants.

**MOTION FOR WAIVER OF FEES
and
FOR FILING A PLEADING AND
SERVICE ON AN ADVERSE PARTY
CONSTITUTING NOTICE OF IT TO
ALL PARTIES**

David Schied – Pro Per
20075 Northville Place Dr. North #3120
Northville, MI 48167
248-924-3129;
deschied@yahoo.com

DEMAND FOR JURY TRIAL / DEMAND FOR CRIMINAL GRAND JURY

Whereas,

On Friday 12/11/09, “*pro se*” petitioner David Schied followed up on information he received from his earlier phone call and subsequent visit to the court clerk’s office by following their instructions to go to the chambers of Judge Donald E. Shelton for an Order of Waiver of Fees based upon documents he wished have reviewed along with his Complaint. The documents showed the Plaintiff and his family to be CRIME VICTIMS as presented to this Washtenaw County Circuit Court by an accompanying signed and notarized 5-page “*Affidavit of Financial*

Status” and a signed and notarized 8-page “Statement of Indigency and Demand for Immediate Consideration by Complaint of Criminal Victimization”.

Before instructing Plaintiff to go up to Judge Shelton’s chambers, the court clerk’s office noticed that the signed and notarized cover page for the 5-page “Affidavit of Financial Status” was a form usually used for the Michigan Court of Appeals, not the Washtenaw County Circuit Court. The court clerk noted that all of the information contained on that cover page was nearly identical to the information contained on the Washtenaw County Circuit Court’s “Affidavit” in providing the following:

- a) Question as to how many dependants the Plaintiff has, whether he is married, and whether he owns or rents his home.;
- b) Question whether Petitioner is employed, unemployed or incurs other income such as unemployment, and how much Petitioner receives in monthly income;
- c) Whether plaintiff has obligations such as rent or mortgage payments, child support, etc.;
- d) A place at the bottom for the petitioner to sign and to have that signature notarized by a Notary public.

The clerk also pointed out that a primary difference between the already signed and notarized “Affidavit” presented by Mr. Schied and the form normally used by the Washtenaw County Court, which the clerk readily admitted was not available for download on the Internet before Mr. Schied came to the court, was that the back side of the document the clerk had had a back side containing all the area where attorneys and the judge completes their information.

Given the trouble that Mr. Schied had already undergone to have the petitioner’s side already completed with the needed information, and having also already had that information

notarized properly along with the submission of 13 additional pages of which 8 others were also notarized, the clerk suggested that Mr. Schied take BOTH forms to Judge Shelton's chambers and ask if they might be stapled together.

Upon arrival at Judge Shelton's office, Mr. Schied met with CHRISTINE TAIT, the "Judicial Coordinator" for Judge Shelton. She reviewed the documents, asked a couple of questions for clarification. Christine Tait suggested that Mr. Schied go ahead and complete the front side of the Washtenaw County Circuit Court "Affidavit" form, and she stated that she would forward the documents together to Judge Shelton to see if he would find the signed and notarized signature on the Petitioner's (Court of Appeals) "Affidavit of Financial Status" sufficient when in accompaniment of the 8-page "Statement of Indigency" that was also notarized on the back page.

The Petitioner's cover documents, as well as the content of his "Affidavit of Financial Status" and "Statement of Indigency" clarified that he was filing his case as also a CRIME REPORT to the Court; and that he is reporting himself to be the VICTIM of many alleged CRIMES perpetrated by the co-defendants. Those "Accused" of the crime(s) were listed on the cover page of his civil action case along with the names of the "co-Defendants".

"Pro se" petitioner's cover documents also showed that Mr. Schied's "Motion for Waiver of Fees" included a request "for filing a pleading and service on an adverse party constituting notice of it to all parties". The content of the "motion" cited IOP 7.219(G)-2, MCR 2.119(G)(3), Rule 2.107(F), MCL 776.21, and MCL 775.20 by reference in support of providing indigent litigants with "equal access" to courts of justice, and notice that in criminal cases, the State Administrative Board and Attorney General (through state prosecutors) support the court costs when the prosecution of government officials occurs. Again, this case involves Defendants who

are all acting individually, as well in their official capacity as government employees, when committing the alleged crimes against the Petitioner.

On 12/11/09, Petitioner David Schied left his documents with Judicial Coordinator Christine Tait. Her final comments to Mr. Schied, as she was thumbing through his documents and as he was preparing to leave, was that “*whoever prepared these documents sure put a lot of work into them*”. She also reiterated that she would forward the Complaint, the Motion, Affidavit(s), and the Statement of Indigency on to Judge Shelton for his review and decision. She requested that Mr. Schied call her on the following Monday afternoon for the judge’s decision.

That following Monday afternoon, on 12/14/09, Mr. Schied called and spoke with Christine Tait, who informed Petitioner simply that Judge Donald Shelton had DENIED the petition. When Mr. Schied asked Ms. Tait what could possibly have been the basis of such a denial, Christine Tait had only to say, “[*The judge*] *didn’t say. He doesn’t have to give a reason.*”

Mr. Schied requested to pick up the Complaint, Motion, and other documents the following day on Tuesday, 12/15/09.

Whereas, the duty of the judge may not be to “*give a reason*”, the DUTY of the judge is to provide “equal access” to all people to justice, and to indeed dispense justice within the purview of his power. For this reason, petitioner believes that judicial “*denials*” of documents, that are “*on their face*” well prepared and supported even despite being filed by a “*pro se*” litigant who is nonetheless not even to be held to the same standard as attorneys, should AT LEAST be “*justified*” when denied.

Therefore, Plaintiff/Petitioner resubmits this “*Motion for Reconsideration*” after having sought review, counsel, and corrections to the original documents by paying a visit to the Court’s

law center, consulting with the free legal advisors in the building, and returning to Judge Shelton's chambers with all of the original documentation.

Pursuant to MCR 2.114(A)(2)(b), I declare the above statements are true to the best of my information, knowledge and belief.



DATED: December 15, 2009

By:

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