

**DISTRICT COURT OF THE UNITED STATES  
(FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION)**

David Schied, individually

*Plaintiff*

v.

Karen Khalil, in her individual capacity;  
Cathleen Dunn, in her individual capacity;  
Joseph Bommarito, in his individual capacity;  
James Turner, in his individual capacity;  
David Holt, in his individual capacity;  
Jonathan Strong, in his individual capacity;  
“Police Officer” Butler,  
    in his individual capacity;  
John Schipani, in his individual capacity;  
Redford Township Police Department;  
Redford Township 17<sup>th</sup> District Court;  
Tracey Schultz-Kobylarz,  
    in her individual capacity;  
Charter Township of Redford  
Charter County of Wayne  
Michigan Municipal Risk Management  
    Authority (“MMRMA”)  
The Insurance Company of the State  
    of Pennsylvania  
American International Group, Inc. (“AIG”)  
DOES 1-10;

*Defendants* /

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Case: 2:15-cv-11840

Judge: Cox, Sean F.

MJ: Hluchaniuk, Michael J.

Filed: 05-21-2015

IFP David Schied v Karen Khalil, et al (dw)

**CAUSES OF ACTION**

COMMON LAW TORT COMPLAINT /  
CLAIM FOR DAMAGES

MALICIOUS TRESPASS /  
FALSE IMPRISONMENT

CONSTITUTIONAL VIOLATIONS  
(AMEND. I; IV; XIV)

CIVIL RIGHTS VIOLATIONS  
(42 U.S.C. §§1981-1983; §§1985-1986;  
§1988)

DEMAND FOR DECLARATORY  
RELIEF

DEMAND FOR INJUNCTIVE RELIEF

**CAUSES OF ACTION AND JURY DEMAND**

Plaintiff, a natural man acting in his own capacity, hereby grants the name to the court, being here as David Schied, and submitting as his causes of action as follows to this Article III District Court of the United States, as a *court of record*:

## PRELIMINARY STATEMENT

1. This is a civil rights action brought pursuant to 42 U.S.C. §§ 1983 and 1985 by David Schied against Defendants for blatant violations of his state and federal constitutionally secured rights. The above-named Defendants worked individually and collectively in concert together as state functionaries under *color of law*. At all times relative to this case, they were operating in the Redford Township of Wayne County. Plaintiff David Schied was only unobtrusively seated in the courtroom gallery and quietly observing the courtroom proceedings. Yet, David Schied was unconstitutionally subjected to numerous malevolent acts. Those acts were of terror, assault, seizure, kidnapping, and false imprisonment. He was abducted and delivered to a county jail six counties away where he was falsely imprisoned for 30 days, mostly in the harsh condition of solitary confinement. He was kept there without bail or bond. The means for carrying all of this out was by a malicious manufacturing of documents, which Plaintiff Schied never even knew existed for the following year and a half, that were generated in an attempt by the Defendants to justify their unlawful acts against the Plaintiff. These unlawful acts were played out before witnesses. They were initiated by Defendant Karen Khalil. They were carried out in concert with the help of numerous bailiffs and township police officers, and others yet to be named, while: a) absent any disruption to court proceedings by Plaintiff David Schied; b) absent personal or subject matter

jurisdiction by the court over Plaintiff Schied; and, c) absent due process.

Accordingly, Plaintiff Schied seeks general, special, and other damages against Defendants caused by their outrageously unlawful conduct including but not limited to various forms of common law *trespass*.

2. Considering the nature of the acts described below in substance of this complaint, Plaintiff David Schied hereby makes this proclamation that, in the event of his death or becoming incapacitated prior to the end of these case proceedings now initiated, Plaintiff bequeaths all rights to the claims of this case in legal trust to his only son, Nolan Schied, as beneficiary; and to any other assignees later named by such trust.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a), because this case involves federal constitutional issues and federal laws under 42 U.S.C. §§ 1981– 1983, §§1985–1986.

4. Venue is proper in the Eastern District of Michigan pursuant to 28 U.S.C. § 1391(b), because the actions which give rise to the claims asserted in this Complaint arose in this district, and Defendants reside or are located within this district.

## **PARTIES**

5. **Plaintiff David Schied**, the only real party with interest, is a private American national citizen of the United States of America, private residing and privately domiciling outside of a federal district and within a nonmilitary occupied private state not subject to the jurisdiction of the United States. He is a fully credentialed Michigan public schoolteacher who, on the date of the initial occurrence, had recently graduated from full-time study, and received his Master's in Education degree from the University of Michigan.

6. **Defendant Karen Khalil** is a state functionary employed in and as a decisive personification of the Seventeenth District Court ("17<sup>th</sup> District Court") of Redford Township and was, at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties of a presiding judge of that Court. She is being sued in her individual capacity.

7. **Defendant Cathleen Dunn** was, at all times material to this action, a public functionary employed as a court reporter by the Defendant Redford Township 17<sup>th</sup> District Court and Defendant Redford Township. Defendant Dunn's employment as a public functionary is subject to certain statutory duties and prohibitions. She is being sued in her individual capacity.

8. **Defendant Redford Township 17<sup>th</sup> District Court** ("Defendant 17<sup>th</sup> District Court") is, as shown below, is a *public body corporate* listed as a

“company” on Dun and Bradstreet, and is thus a “person” as defined by Title 15 U.S.C. §12(a), MCL 125.2683(m), and MCL 125.2004(h) with the capacity to sue or be sued. (See also, “Clearfield Doctrine”)

The screenshot shows the Dun & Bradstreet website header with navigation links: Business Reports, Country Reports, Subscriptions, View All Products, Support, and About Us. Below the header is a search results section titled "Search Results for: 17th District Court". It contains a table with two rows of results. Each row has columns for Type, Company Name, Address, City, and State, followed by a "Select" button.

Type	Company Name	Address	City	State	
	REDFORD TWP 17TH DISTRICT CT	15111 BEECH DALY RD	REDFORD	MI	Select
	16TH DISTRICT COURT	32765 5 MILE RD	LIVONIA	MI	Select

9. **Defendant Wayne County** is a municipal corporation, organized and existing under the laws of the State of Michigan, and is thus a “person” as defined by Title 15 U.S.C. §12(a), MCL 125.2683(m), and MCL 125.2004(h) with the capacity to sue or be sued. Defendant Wayne County, at all times material to this action, conducted its activities at the township level through its agents and employees as county prosecutors, regional commissioners, crime victims services, and other areas of county management. (See also, “Clearfield Doctrine”)

10. **Defendant Township of Redford** (“Redford Township”) is a municipal corporation, organized and existing under the laws of the State of Michigan, and is thus a “person” as defined by Title 15 U.S.C. §12(a), MCL 125.2683(m), and MCL 125.2004(h) with the capacity to sue or be sued. Redford Township at all times material to this action, conducts its activities through its agents hired as city prosecutors, contracted lawyers, and other officers.

11. **Defendant Redford Police Department** (“Redford Police”) is the Township’s agent, created and authorized by the Township to conduct acts as alleged herein. At all times material to this action, Redford Township holds responsibility for hiring and employing fully-trained police officers as public functionaries. It authorized its officers to conduct acts as alleged herein, both at the location of the Defendant 17<sup>th</sup> District Court and at their headquarters and jail facility, which altogether shares the same government complex with the Defendant 17<sup>th</sup> District Court and the Redford Town Hall.

12. **Defendant Tracey Schultz Kobylarz**, as the Township Supervisor for the Charter Township of Redford who, was at all times material to this action, employed by Defendant Redford Township and publicly touted as Defendant Redford Police’s “*chief law enforcement official*” and the township’s “*chief personnel official*.” She is being sued in her individual capacity.

13. **Defendant Jonathan Strong** was, at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties of a police officer through his employment as a public functionary by the Defendant Redford Police Department as an employee of Defendant Redford Township. He is being sued in his individual capacity.

14. **Defendant Joseph Bommarito** was, at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties

of a police officer through his employment by the Defendant Redford Police Department as an employee of Defendant Redford Township. He is being sued in his individual capacity.

15. **Defendant David Holt** was, at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties of a police officer through his employment as a public functionary by the Defendant Redford Police Department as an employee of Defendant Redford Township. He is being sued in his individual capacity.

16. **Defendant James Turner** was, at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties of a police officer through his employment as a public functionary by the Defendant Redford Police Department as an employee of Defendant Redford Township. He is being sued in his individual capacity.

17. **Defendant “Police Officer” Butler** was, , at all times material to this action, under sworn Oath to the state and federal constitutions to fulfill the duties of a police officer through his employment as a public functionary by the Defendant Redford Police Department as an employee of Defendant Redford Township. He is being sued in his individual capacity.

18. **Defendants Strong, Bommarito, Holt, Turner, and Butler** are collectively referred to herein as “Defendant Police Officers.”

19. **Defendant John Schipani** was, at all times material to this action, a “*bailiff*” and court officer of the Defendant 17<sup>th</sup> District Court, employed by and acting at the pleasure of the Defendant Redford Township, employed as a public functionary by the other Defendants. He is being sued in his individual capacity.

20. **Defendant Michigan Municipal Risk Management Authority** (“Defendant MMRMA”) was founded in 1980 by Defendant Redford Township, in one-third membership. Upon information and belief, Defendant Redford Township’s membership in Defendant MMRMA provides, in relevant part, financial and other contributions that provide for “*risk-related services and coverage*” within a self-insured “*public entity pool*” covering general liability, errors and omissions, torts, and other claims against courts, public officials, police, and others as agents of member municipalities.

21. **Defendant The Insurance Company of the State of Pennsylvania** (“Defendant Ins. Co. of State of Penn.”) is, upon information and belief, a “*subsidiary*,” a “*member company*,” and/or an “*affiliate*” of Defendant “AIG” providing the Defendant Charter County of Wayne with a “*special excess liability policy*” of “*errors and omissions*” insurance for wrongful acts, acts leading to bodily injury, and terrorism.

22. **Defendant American International Group, Inc. (“Defendant AIG”)** is, upon information and belief, an international organization incorporated



in Delaware declaring the nature of their business as including, but not limited to, that of being insurance “*agent, broker or adjuster.*” Defendant AIG markets its insurance products and services through companies such as Defendant Ins. Co. of State of Penn. as its subsidiaries, member companies, and affiliates. Upon information and belief, Defendant AIG is the issuer of a “*special excess liability policy,*” “*errors and omissions,*” and *terrorism* insurance policy #1130137 to Defendant Charter County of Wayne.

23. **Defendant “DOES 1-10”** (“Defendant DOES”) were, at all times material to this action, individuals whose actions are relevant to this instant cause of action though their identities are presently unknown. They are being sued in their individual capacities.

### **FACTUAL ALLEGATIONS**

24. At approximately 9:00am on Friday, June 8, 2012, Plaintiff David Schied went to the building operating as the Defendant 17<sup>th</sup> District Court at 15111 Beech Daly within the area known as “[Defendant] Redford Township” to observe the court, the court staff, and its operations.

25. Plaintiff Schied had no personal or other business with this court on this particular day, and had planned his attendance only as a peaceful observer.

26. Upon entering the building owned and operated by Defendants, Plaintiff was made understood, at which point he passed through Defendants’

security station, that the public was barred from entering with their own audio and recording devices.

27. Without their own means of accurately recording the proceedings of the court, Plaintiff and his acquaintances had a reasonable expectation that the activities of the court, whether by informal or formal hearings, would be properly documented by the public functionaries themselves, in accordance with state and federal constitutions and Defendants' own government charter(s) and mandates.

28. Plaintiff also had a reasonable expectation that the documentation of court matters by the Defendants, as public functionaries, would be true and accurate public records about those government activities and operations as required by law and other ruling mandates.

29. Plaintiff, nevertheless, also brought in his own notepad and pen to jot down his own observations of whatever court proceedings took place in his presence and for writing the events of that morning for reference in future possibility that sworn Affidavits were to be needed or completed.

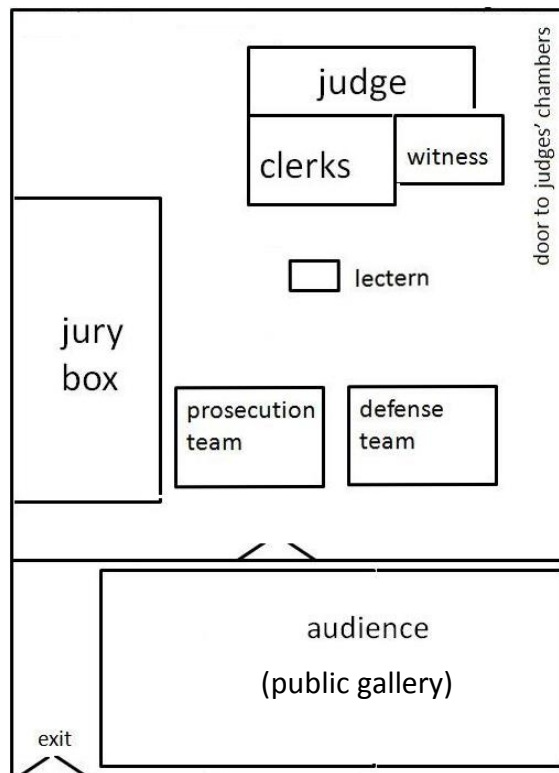
30. Upon entering the courtroom, Plaintiff seated himself in the near-center of the spectator section of the courtroom, in the public gallery.

31. Plaintiff Schied had a particular interest in the proceedings at the Defendant 17<sup>th</sup> District Court due to the fact that he had named Defendant Karen Khalil, the Defendant Redford Township, and the Defendant Redford Police

Department in previous litigation which was, at that time, at multiple appellate courts on appeal.

32. Other of Plaintiff's acquaintances, as non-party observers that had arrived at approximately the same time and for essentially the same reason, were also taking notes from their own vantage point and perspective in the audience.

33. The standard of reasonable expectation for the non-party observers is that their seating, separated by a "bar" from the proceedings "before" the court as shown in the sample courtroom illustration below, is that the "audience," seating in the area of the public gallery, is simply not subject to either the personal or subject matter jurisdiction of the Court.



34. As a member of the courtroom audience, Plaintiff had no expectation to be brought into any of the proceedings. Instead, he had a reasonable expectation to be free of directions, orders, and commands of any judge or court officer dealing with cases that day since none were to involve Plaintiff Schied.

35. As a member of the courtroom audience, Plaintiff also had a reasonable expectation that the public functionary, Defendant Khalil, was acting in accordance with her sworn Oath of judicial office and not going to be abusing her functionary position, being the decisive voice of the “*Court*,” while transforming the Defendant 17<sup>th</sup> District Court into her own alter ego. (See **“EXHIBIT A”** as a copy of that Oath signed by Karen Khalil on 12/30/10)

36. At approximately 10:15am, the courtroom became chaotic as a result of courtroom personnel suddenly barking orders at the people in the public gallery.

37. The orders included, “Stand up!” “Sit Down!” “Stand up!” “Sit Down!” “Stand up!” “Sit Down!”

38. Plaintiff Schied, busy taking notes and looking downward at his notepad, was surprised and shocked to look up and find the Defendant John Schipani barking the order at him to “Stand up!”

39. That Defendant Schipani was pointing at Plaintiff Schied with one hand and the other hand in the vicinity of his gun.

40. Plaintiff Schied promptly stood up.

41. Simultaneously, Plaintiff Schied heard another order, yelled by somebody, to “Sit down!”

42. Plaintiff Schied promptly sat down and resumed taking notes.

43. At that time more armed officers, appearing under employ of Defendant Redford Township Police Department, moved into the courtroom.

44. According to information and belief, some of these armed officers entering the courtroom included Defendant Police Officers Strong, Bommarito, Holt, Turner, and Butler, among other Defendant DOES.

45. Plaintiff Schied thereafter was surprised and shocked to look up and find again the Defendant Schipani as bailiff barking again the order at him to “*Stand up!*”

46. This time the Defendant bailiff was pointing at Plaintiff Schied with one hand, and with the other hand on his gun in readiness to draw.

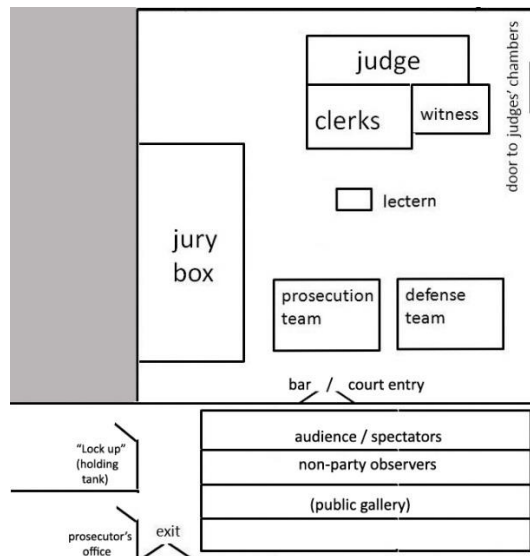
47. From the periphery of both sides of the courtroom and the front, Plaintiff also heard the yelling echoes of unknown others, “*Stand up!*”

48. Plaintiff Schied promptly stood up again at the erroneous threatening commands of these Defendants, fixing his full visual attention upon the immediate threat of the bailiff with his hand on his gun in front of him, and with auditory attention first on the commotion going on near the jury box, and next on the uniformed Defendant DOES approaching Plaintiff from the sides.

49. Plaintiff Schied, throughout these events, fully cooperated with these unusual commands being directed at him, never objecting or hesitating to do as the Defendant bailiff, as a court officer, instructed.

50. After having stood for the second time, Defendant DOES as bailiffs, Defendant Redford Police Officers and/or Defendant Redford Police Department officers moved in rapidly on Plaintiff Schied and immediately placed him into tightly-clamped metal handcuffs.

51. Defendant DOES as bailiffs, Defendant Redford Police Officers and/or Defendant Redford Police Department officers forcefully grabbed Plaintiff Schied and took him to a dimly lit concrete holding tank in the courtroom. (See layout below for relative location of the holding tank to the courtroom.)



52. Plaintiff Schied was held in this holding tank for approximately eight to ten minutes.

53. During this short stay in the holding tank, Plaintiff Schied was prevented from being able to see or hear anything else that was going on in the courtroom; and thus, was also unable to complete the tasks of business for which he was in purpose of simple observance.

54. Upon information and belief, about the moment officers under employ by the Defendant Redford Police Department had seized Plaintiff and pulled him from the public audience, Defendant Karen Khalil stated that “[I’ve] got like six or seven Moors” in the courtroom. (See **“EXHIBIT B”**)

55. Upon information and belief, Defendants, as uniformed bailiffs and officers, were utilized by Defendant Khalil as human tools, transformed in such fashion as to become extensions of her alter ego, for intimidating, threatening, and coercing information from other peaceful non-party observers in the public audience.

56. With Plaintiff out of view of everyone in the courtroom, Defendant Khalil made her first objective to seek the full identity of Plaintiff Schied, and to question his affiliations with others of the courtroom audience sitting in the public gallery.

57. Defendant Khalil then demanded that others in the audience reveal their personal identities by threat that they too would be subject to the same consequences as Plaintiff, under color of “*contempt orders of the court.*”

58. A short while later Defendant Jonathan Strong, along with unknown Defendant DOES in uniform, removed Plaintiff Schied from the courtroom holding tank and immediately took him out of the courtroom.

59. Exiting the courtroom took approximately 45 seconds.

60. Once outside the courtroom, Plaintiff Schied was paraded through the courthouse and over to the police lockup approximately 30 yards away in another building.

61. Plaintiff Schied was embarrassed and humiliated throughout this entire process.

62. The acts described above, as acts of Defendants referenced as public functionaries bailiffs, court officers, court employees, and police officers, demonstrate that Defendants were not properly screened for adequate training from their time of hire and placement by Defendant 17<sup>th</sup> District Court, by Defendant Redford Township, by Defendant Redford Police Department, by Defendant Tracey Schultz Kobylarz, by Defendant Wayne County, and/or by Defendant MMRMA.

63. The acts described above, as acts of all Defendants referenced as public functionaries of bailiffs, court officers, court employees, and police officers, demonstrate that Defendants did not properly receive proper ongoing education and training in constitutional issues and the rights of the general public by



Defendant 17<sup>th</sup> District Court, by Defendant Redford Township, by Defendant Redford Police Department, by Defendant Tracey Schultz Kobylarz, by Defendant Wayne County, and/or by Defendant MMRMA.

64. While being led through a small section of parking outside the Defendant 17<sup>th</sup> District Court building and into the Defendant Redford Police building, Defendant Jonathan Strong taunted Plaintiff verbally and physically with the handcuffs binding Plaintiff's hands along the way.

65. The actions by Defendant Strong gave cause for Plaintiff Schied to become increasingly anxious and in fear for his physical safety.

66. Once inside the police building, Defendant Strong took Plaintiff Schied to a holding cell where Defendant Strong conducted an unlawful search and seizure of Plaintiff's person and property.

67. Plaintiff Schied was then placed into the police holding cell where he was forced to remain for approximately six to eight hours.

68. During this time, Plaintiff Schied was not allowed to make contact with anyone.

69. Defendants had conspired to falsely imprison Plaintiff, knowingly acting without reasonable cause as justification, with malicious intent, in concerted fashion, and by means of tyrannical acts of "*domestic terrorism*," under "*color of law*".

70. The actions committed by Defendants, as described above, created a “*special relationship*” between Defendants and Plaintiff.

71. The actions committed by Defendants, as described above also invoked, and made the Defendants subject to, the “*State-Created Danger Doctrine*,” because Defendants created the condition by which Plaintiff was left in a situation more dangerous than the one in which they found him; and because Defendants acted in conscience disregard of that risk.

72. During the hours subsequent to Plaintiff’s seizure and kidnapping, other non-party courtroom observers left the public gallery in search of a means of retrieving Plaintiff and getting official records of what had just occurred.

73. Those other courtroom observers as witnesses to the above-referenced events, along with at least one friend and one acquaintance who rushed from their homes to the Defendant 17<sup>th</sup> District Court and to the Defendant Redford Police Department in the following hours, diligently sought records from the Defendant DOES at the Clerk’s Office who were under employ by Defendant 17<sup>th</sup> District Court, by Defendant Redford Township, by Defendant Redford Township Police Department, and by Defendant Tracey Schultz Kobylarz.

74. Such records requested by these individuals, who were then also purportedly expressing concern about Plaintiff’s safety, were for all records that in any way related to the above events in the Defendant 17<sup>th</sup> District Court, and that

related to the jailing of Plaintiff by the Defendant Redford Police Department where Plaintiff was being falsely imprisoned.

75. Records specifically requested by Plaintiff's witnesses and/or acquaintances, both orally and in writing, were for any court order, audio recordings, video recordings, court reporter transcripts, a Registry of Actions, or anything else that may exist pertaining to Plaintiff Schied's unlawful seizure, kidnapping and false imprisonment.

76. Defendant DOES being employed at that Clerk's Office denied all such requests for records in the form of any court order, audio recordings, video recordings, court reporter transcripts, a Registry of Actions, or anything else that may exist pertaining to Plaintiff Schied's unlawful seizure, kidnapping and false imprisonment that morning.

77. At approximately 5:30pm, Plaintiff Schied was placed into a humiliating and materially abrasive prison jumpsuit and shackles.

78. Shortly after, Plaintiff Schied was placed into a prisoner transport vehicle and taken to the Clinton County Jail.

79. Although everybody involved purportedly indicated an expectation that Plaintiff Schied would be remaining at the Clinton County Jail, he was not allowed to disembark at the Clinton County Jail and was ordered instead to remain on the transport van.

80. Plaintiff was extremely terrified at his being told he was going elsewhere.

81. A couple of hours later, the prisoner transport vehicle delivered Plaintiff Schied to the Midland County jail.

82. Plaintiff Schied's long term false imprisonment took place a total of six counties away from where Plaintiff was abducted.

83. Plaintiff Schied did not find out until a month afterwards that a 30-day period of "*sentencing*" was not actually calculated to begin until 5:00pm of the morning that he was kidnapped from the courtroom by the Defendants.

84. Sometime around or after midnight on Saturday, June 9, 2012 Plaintiff Schied arrived at the Midland County Jail, tired, hungry, scared, still tightly shackled with steel handcuffs, in an abrasive jumpsuit, and completely alone, intentionally separated from friends and family support by a distance of six counties.

85. Plaintiff Schied was snatched completely out of his own personal life by Defendants, leaving a dependent minor child and large family dog unattended.

86. Plaintiff Schied was forced, by Defendants, away from his regular monthly obligations to pay monthly bills, to purchase food and tend to other daily needs of his home and family matters.

87. Plaintiff Schied was also forced, by Defendants, away from his obligations to others, with regard to employment and other time-sensitive business matters, as a result of his false imprisonment. Damage to Plaintiff's post-graduate career opportunities and business reputation were a direct result of Defendants' actions.

88. Plaintiff would not have suffered these and other future damages had the Defendants not knowingly and intentionally committed the peril and vulnerability that caused and led to these negative consequences.

89. Notably, on the way to the Clinton County Jail, a transport guard stated:

- a) That "*everybody knew*" back at the Defendant Redford Police Department's jail that Plaintiff Schied "*had filed documents*" against the Defendant Khalil as judge of the Defendant 17<sup>th</sup> District Court.
- b) That based on that common knowledge being spread by employees of the Defendant Redford Police Department, the transport guard stated he therefore had initially thought that Plaintiff might be "*exceptional trouble*" in being transported to the Clinton County Jail facility where they were eventually heading;
- c) That "*everybody at the Clinton County Jail*" had also already been tipped off to expect Plaintiff Schied to be "*exceptional trouble*"; and

d) That, with the above information in mind, the guards at the Clinton County Jail intended to be, in some way, “*ready*” for Plaintiff.

90. The information provided by that transport guard had the effect of further exacerbating Plaintiff Schied’s already extensive physical pain and intensified emotional and physical symptoms of high anxiety and stress.

91. That transport guard’s reference to documents “*filed*” also presents a triable issue of fact, as to the extent to which Defendant Wayne County was deliberately indifferent and reckless in having ***prior written notice about the state-created dangers to the public caused by unlawful activities being carried out against the public by the other Defendant Khalil, in concert with the other named Defendants.*** (Bold emphasis added)

92. Plaintiff’s stress level was then compounded even further when, upon arriving at the Clinton County jail where most all other prisoners were turned over to new guards, the transport guards notified Plaintiff Schied that he was being driven elsewhere, even further away, to the Midland County Jail.

93. Later that night or in the early morning hours of the following day of 6/9/12, Plaintiff Schied was delivered by armed transport guards to the Midland County jail where he was found by medical personnel to have “*alarmingly high*” blood pressure.

94. For nearly the first 10 days of false imprisonment at the Midland County Jail, Plaintiff Schied was assigned “*solitary confinement.*”

95. Within the first two weeks of Plaintiff’s false imprisonment at the Midland County Jail, numerous individuals had again attempted to acquire appropriate documents, to include a valid court order, audio recordings, video recordings, court reporter transcripts, a Registry of Actions, in order to file an “*appeal*” of Defendant Karen Khalil’s actions on 6/8/12, and to demand “*habeas corpus*” and a “*show cause*” hearing for Plaintiff’s immediate release.

96. When Plaintiff’s acquaintances went back later that month of June, they requested that Defendant 17<sup>th</sup> District Court and Defendant Redford Township provide a valid court order, audio recordings, video recordings, court reporter transcripts, a Registry of Actions, or anything else that may exist pertaining to Plaintiff Schied’s unlawful seizure, kidnapping and false imprisonment. (*See* **“EXHIBIT C”**)

97. Upon information and belief, Defendants as clerks, along with Defendant Cathleen Dunn as court reporter, repeatedly denied the requests by Plaintiff’s acquaintances to acquire necessary appeal documents such as a valid court order, audio recordings, video recordings, court reporter transcripts, a Registry of Actions, by claim that no such records existed because, purportedly, the events that took place in the courtroom occurred at a time in which there was

“*informal hearing(s)*” and, as a matter of policy, *pattern and practice* of Defendants, no recordings are made of such informal hearings. (**See again, “Exhibit C”**)

98. At the Midland County Jail, eleven full days after his initial kidnapping and false imprisonment, at the very first opportunity to obtain the proper “*form*” document by which to submit a “*request*” to his captors, Plaintiff Schied wrote such a request for information to answer the following questions:

- a) “*Why am I being held in jail?*”
- b) “*What is the criminal charge?*”
- c) “*What act did I allegedly commit?*”
- d) “*Who is the harmed party?*”
- e) “*Who is my accuser?*”

99. In written answer to his formal “*captive request*,” Midland County Sheriff Deputy Watkins stated that same day, on June 19, 2012 (*see* below image of the original document), that:

- a) “*You are sentenced to 30 days no bond*”
- b) “*Contempt of court*”
- c) “*Contempt – write prosecutor for report and details*”
- d) “*Clinton County Court*”
- e) “*Clinton County Court*”



*James L. ...*  
*James L. ...*  
**Inmate Request Form**

<b>From: Name &amp; Inmate Number</b> David Schied- 548643	<b>Location</b> C-203	<b>Date</b> 6/19/12
<b>Request:</b> <input type="checkbox"/> Court Date <input type="checkbox"/> Papers Notarize <input checked="" type="checkbox"/> Reclassification <i>release</i> <input type="checkbox"/> Holds <input type="checkbox"/> Outdate <input type="checkbox"/> Bond <input type="checkbox"/> Court Papers <input type="checkbox"/> Property <input type="checkbox"/> Phones <input type="checkbox"/> Rehab Staff <input type="checkbox"/> Mental Health <input checked="" type="checkbox"/> Other		
<b>Request Description: Information: Please answer the following questions</b> Why am I being held in jail? <i>You are sentenced to 30 days</i> <i>No bond</i> What is the criminal charge? <i>Carrying a Firearm</i> What act did I allegedly commit? <i>Carrying a Firearm</i> <i>Write prosecutor for report of details</i> Who is the harmed party? <i>Clinton County Court</i> Who is my accuser? <i>Clinton County Court</i>		
<b>Answer To Inmate:</b>		
<i>Answered</i>		
<b>Pod Deputy: Name</b> <i>MB 4966</i>	<b>Action Taken:</b> <i>Forward to SA</i>	<b>Date:</b> 6-19-12
<b>Shift Leader: Name</b>	<b>Action Taken:</b>	<b>Date:</b>
<b>Jail Manager:</b>	<b>Action Taken</b>	<b>Date:</b>
<b>Assistant Jail Manager:</b>		
<b>Inmate received answer:</b>		

100. From the moment of his abduction in the Defendant 17<sup>th</sup> District Court and throughout the following month-long period of his being falsely imprisoned, Plaintiff was prevented from mitigating his damages caused by the Defendants.

101. From the time of his being kidnapped from the Defendant 17<sup>th</sup> District Court and throughout his false imprisonment, Plaintiff was prevented by his captors from delivering his handwritten crime report about what amounts to “domestic terrorism” to criminal investigators and prosecutors.

102. Similarly, from the time of his being kidnapped from the Defendant 17<sup>th</sup> District Court and throughout his false imprisonment, Plaintiff was prevented by his captors from delivering his handwritten “*habeas corpus*” documents to judicial authorities.

103. On or about July 2, 2012, Plaintiff Schied was released from captivity outside of the Midland County Jail, six counties away from his home.

**FIRST CLAIM FOR RELIEF  
DECLARATORY JUDGMENT**

104. Plaintiff incorporates by reference all prior allegations and claims of this Complaint into this Count.

105. The alleged acts of Defendant Karen Khalil, of summarily convicting an individual sitting peacefully in the public gallery of the courtroom – without any due process of law, without proper and clear notice of any alleged offensive conduct, and without providing that individual with the opportunity to “*cure*” such alleged “*contemptuous*” behavior – if true, are not judicial acts.

106. Any “*order*” issued by Defendant Karen Khalil against Plaintiff David Schied, whether delivered orally in open court or in writing after the fact, was not connected to *any* litigation. Plaintiff Schied was simply not a party or witness for anything docketed that day before the Defendant 17<sup>th</sup> District Court.

107. The acts committed by Defendant Khalil were both intentional and absent jurisdiction. They were an abuse of power. "*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.*" - Ableman v. Booth, 21 Howard 506 (1859)

108. The acts committed by Defendant Khalil were absent both procedural and substantive due process. Again, they were intended as an *abuse* of power.

109. It is a well-established fact that, “[C]ourts ‘look’ to the particular act’s relation to a general function normally performed by a judge. Mireles v. Waco, 502 U.S. 9 (1991); Mireles at 12 (quoting Stump, 435 U.S. at 362)

110. As cited from the above-referenced case(s), “*Absolute judicial immunity can only be overcome in two circumstances. First, ‘a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge’s judicial capacity.’* Mireles, 502 U.S. at 11 (citing Forrester v. White, 484 U.S. 219, 227–29 (1988); Stump v. Sparkman, 435 U.S. 349, 360 (1978). *Second, ‘a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.’* Id. at 12 (citations omitted).”

111. Plaintiff seeks a declaratory judgment and finding that the acts of Defendant Karen Khalil, committed against Plaintiff David Schied on 6/8/12, were

unconstitutional, without personal or subject matter jurisdiction, and not acts taken in a judicial capacity; and therefore, Defendant Karen Khalil is not entitled to absolute immunity because these cannot be considered “*judicial acts.*”

112. Plaintiff also seeks a declaratory judgment and finding that the acts of Defendant Karen Khalil, committed against Plaintiff David Schied, are not acts performed of a discretionary function, insofar as the acts allegedly “*violate clearly established statutory or constitutional rights of which a reasonable person would have known*” [see *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982))].

113. Plaintiff further seeks a declaratory judgment and finding that the acts of Defendant Karen Khalil, committed against Plaintiff David Schied, exemplified the following four hallmarks of a *state-created danger*: a) Defendant Khalil created a “*relationship*” between herself as the state actor and Plaintiff as an unidentified non-party courtroom observer; b) Defendant Khalil acted in willful disregard for the safety of the plaintiff; c) Defendant Khalil used her authority to create an opportunity that otherwise would not have existed for third-party violations to occur; d) the harm upon Plaintiff was foreseeable and direct;

114. “*If the Plaintiff’s allegations sufficiently allege a clearly established constitutional or statutory right, qualified immunity will not protect the defendant.*” (See *ICAOS Benchbook for Judges and Court Personnel*, (2014 Ed.), Ver.8

[referring to *Grayson v. Kansas*, 2007 WL 1259990 (D.C. KS 2007); *Payton v. United States*, 679 F.2d 475 (5<sup>th</sup> Cir. (1982))].

115. Therefore, Defendant Khalil is not entitled to qualified immunity.

116. Plaintiff demands a Declaratory Judgment addressing the above as related to Defendant Karen Khalil's abuse of power, being nonjudicial acts exercised in the absence of all jurisdiction relative to Plaintiff on 6/8/12, in violation of Plaintiff's clearly established constitutionally guaranteed rights; and as those acts relate to a waiver of both absolute and qualified immunity.

**SECOND CLAIM FOR RELIEF  
FOURTEENTH AMENDMENT VIOLATION  
SUBSTANTIVE DUE PROCESS**

117. Plaintiff incorporates by reference all prior allegations and claims of this Complaint into this Count.

118. Defendants, by their unlawful acts and acting under the color of Michigan law, violated Plaintiff David Schied's absolute, inherent, and inalienable natural rights to life, liberty, and property; and thus, violated Plaintiff's substantive natural rights to liberty *and* protection.

119. American national citizens "*hold their life, liberty, and property under protection of the law. The law secures rights on one hand, and specifies the conditions under which those rights are forfeited on the other. The due process or law-of-the-land provision of the Constitution bar the government from depriving*

*such citizens of their rights except under conditions of set forth by law, ascertained through judicial proceedings...to also include appealing to the law for redress of any injuries suffered, whether from private parties or by the government itself.”*<sup>1</sup>

120. Absolute natural rights are substantially guaranteed by the *privileges and immunities*, *due process*, and *equal protection* clauses of the Fourteenth Amendment. Properly understood in the legal tradition, these rights create both a negative duty upon public functionaries of prohibiting them from government coercion and invading the rights of others, and a positive duty upon state functionaries of securing, under the law, the life, liberty, and property of individual citizens.<sup>2</sup>

121. Hence, the Fourteenth Amendment forbids state functionaries from *either* affirmatively depriving any person of their rights or in any other way negatively divesting them of those rights by refusing to protect and maintain a person’s natural right to the enjoyment of life, liberty, or property, and thereby depriving that person of security against the invasion of those rights by others.<sup>3</sup>

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<sup>1</sup> See Steven, *The First Duty of Government: Protection of Liberty and the Fourteenth Trustees* 41 Duke L.J. 507 (1991) citing *Trustees of Dartmouth College v. Woodward*, 17 U.S. (Wheat.) 518, 551-99 (1819).

<sup>2</sup> *Ibid.* See *supra* text in footnote 153 on p. 561 in reference to *Newland v. Marsh*, 19 Ill. 376 383-84 (1857); and *Wynehamer v. People*, 13 N.Y. 378 (1856) pertaining to the denial of constitutional guarantees to protection and remedies.

<sup>3</sup> *Ibid.* at 562.

122. In this instant case, many Defendants actively participated in the forceful and violent overtaking and depriving of Plaintiff's rights to peaceful enjoyment of these inalienable rights, by lead of Defendant Khalil doing the same in open court, **without either *probable cause or jurisdiction***. (Bold emphasis)

123. Other Defendants simply stood by and allowed Defendant Karen Khalil to transform the Defendant 17<sup>th</sup> District Court into her own alter ego, individually and collectively participating – through error in their failure to protect Plaintiff Schied against such violations of his absolute natural rights – in an unwarranted affirmative abuse of power that otherwise “*shocks the conscience*.”

124. These other Defendants thus, affirmatively “*secured*” the actions of their peer group of other public functionaries, guarding against possible interventions or rescue attempts by witnesses in the courtroom audience whose *conscience was shocked* by these actions of Defendant Khalil maliciously calling for the unwarranted deployment of Defendant Redford Township Police Department against Plaintiff Schied and others she perceived as “*Moors*.”

125. Such collective actions by Defendants demonstrated a clear *pattern and practice* of Defendants, in federal civil violation of 42 U.S.C. §1986 (“*Action for Neglect to Prevent*”) and state criminal violation of MCL 752.11 (“*Willful failure to uphold or enforce the law resulting in denial of person's legal rights is guilty of misdemeanor*”), of ignoring Defendants' own individually sworn Oaths

and individual duties to protect the freedoms of individual citizens, and placing their allegiance instead on the concerted actions and coordinated pre-rehearsed reactions of protecting the malicious trespass of their local government peers.

126. Each Defendant named in this case contributed to a “*state created danger*” whereby “*the government affirmatively acted to create plaintiff’s danger or to render him [or her] more vulnerable to it.*” (*Taylor v. Garwood*, 98 F. Supp. 2d 672 (E.D. Pa. 2000)) See also, *Cartwright v. City of Marine City*, 336 F. 3d 487, 493 (6<sup>th</sup> Cir. 2003) and *Schieber v. City of Philadelphia*, 320 F. 3d 409, 417 (3<sup>rd</sup> Cir. 2003)

127. Defendants’ action also created a “*special relationship*” whereby Defendants, “*by the affirmative exercise of its power so restrain[ed] the [Plaintiff’s] liberty that it render[ed] him unable to care for himself*” or his family for the “*30-days*” following his kidnapping and false imprisonment. (*id.*)

128. Defendants Redford Police Officers, Defendant DOES as police officers, Defendant Redford Township Police Department, and Defendant Redford Township had a constitutional duty to protect private individuals sitting peacefully in the courtroom from third parties – even if that third party was Defendant Karen Khalil and her armed bailiffs – when it was known that Plaintiff had no ability to protect himself once threatened with force by other Defendants.



129. Instead of protecting Plaintiff's right to remain peacefully seated in the audience of the public gallery, the Defendants acted concertedly and with deliberate indifference, increasing and compounding the dangers for Plaintiff by kidnapping him from the courtroom, and subjecting him to false imprisonment without warrant or a valid court order.

130. Public documents hold ample evidence showing that Defendant Karen Khalil, Defendant Tracey Schultz Kobylarz and Defendant Wayne County also showed deliberate indifference and a reckless failure to protect the public against known *state created dangers* to the community when, in such previously "*filed documents*" Plaintiff had persistently requested that Defendant Khalil, Defendant Kobylarz and Defendant Wayne County initiate criminal grand jury proceedings to investigate allegations and evidence pertaining to such *state created dangers* by Khalil herself, as well as the other Defendants.

131. Those publicly "*filed documents*" show that Plaintiff Schied had acted, in the manner of a whistleblower and by means of his First Amendment Right to free speech, in clearly issuing prior written notice that named Defendants in this case were, as a matter of *pattern and practice*, deliberately concealing and/or removing previously "*filed*" documents, and while manufacturing other fraudulent "*official*" documents, while purposefully maintaining inaccurate records of actions, and while employing *state created dangers* for the community that were

*intended to injure* the public through a broad spectrum of racketeering schemes and corruption.

132. Defendant Khalil's, Defendant Kobylarz's and Defendant Wayne County's deliberate indifference and reckless failure to protect the community against known *state created dangers* created *foreseeable injuries* for others ■ would "*shock the conscience*" of anyone coming to know the extent to which these Defendants had previously acted, *under color of law*, to quash Plaintiff's prior "*filed documents*" in request of personal relief and community relief through a criminal grand jury investigation.

133. Defendants' individual and collective indifference and reckless failure to act upon, to correct or to *cure* their ongoing unlawful behaviors particularly created *foreseeable dangers* specifically for Plaintiff, who was otherwise entitled to First Amendment protections, *crime victim* protections, and other protections within the vicinity of the county, being that he had also acted in the capacity of a *quasi-whistleblower* when previously "*fil[ing] documents*" with the county in formal report of his own criminal victimization and possible racketeering and corruption by Defendants and/or their peer group of other Defendants.

134. Defendants, by their unlawful acts and acting under the color of Michigan law, violated David Schied's rights; and among numerous others, his natural right to provide care, custody and association with his own minor child in

violation of the Fourteenth Amendment substantive due process right to family integrity. Plaintiff was deprived of these rights for a period of 30 days during his false imprisonment.

135. Defendants, by their unlawful acts and acting under the color of Michigan law, also deprived Plaintiff Schied's child of his own natural right to receive such care, custody and association with his custodial parent for a period of 30 days during Plaintiff's false imprisonment, in violation of the child's Fourteenth Amendment substantive due process right to family integrity.

136. Defendants, by their affirmative and negative illegal acts and/or absence of procedures when acting under the color of Michigan law, violated both Plaintiff David Schied and his dependent minor child of their substantive inalienable rights to due process under the Fourteenth Amendment.

137. As further alleged herein, Plaintiff suffered intentional infliction of emotional distress and serious bodily injuries in addition to other general and specific damages as a result of such deprivations of rights and other consequences of his false imprisonment by Defendants.

138. Upon information and belief, such damages as claimed above create an "*assumed liability*" by Defendants Wayne County and Redford Township, and a "*legal obligation to pay*" by Defendant MMRMA, Defendant Ins. Co. of State of Penn., and Defendant AIG as the insurance providers for, minimally, bodily injury,

tort, errors and omissions liability, and terrorism. As such, Defendants MMRMA, Ins. Co. of State of Penn., and AIG are under contract to “*defend any claim or suit*” against those they insure.

139. Claim is for \$150,000,000 in total damages.

**THIRD CLAIM FOR RELIEF  
FOURTEENTH AMENDMENT VIOLATION  
PROCEDURAL DUE PROCESS**

140. Plaintiff incorporates by reference all prior allegations and claims of this Complaint into this Count.

141. The Fourteenth Amendment requires government provide procedural due process before making a decision to infringe upon a person’s life, liberty, or property interest.

142. Defendants, by their unlawful acts, illegal procedures and/or absence of procedures, and acting under the color of Michigan law, violated David Schied’s right to family integrity, without providing constitutionally adequate process.

143. Defendants, by their unlawful acts, illegal procedures and/or absence of procedures, and acting under the color of Michigan law, violated David Schied’s minor child’s right to family integrity and liberty, without providing constitutionally adequate process.

144. Plaintiff Schied was simply not afforded any procedural or substantive due process prior to his false imprisonment, in the absence of a valid court order.

145. As a result, Plaintiff suffered intentional infliction of emotional distress and physical injuries in addition to other general and specific damages as a result of such deprivations of rights and other consequences of his false imprisonment by Defendants.

146. Upon information and belief, such damages as claimed above create an “*assumed liability*” by Defendants Wayne County and Redford Township, and a “*legal obligation to pay*” by Defendant MMRMA, Defendant Ins. Co. of State of Penn., and Defendant AIG as the insurance providers for, minimally, bodily injury, tort, errors and omissions liability, and terrorism. As such, Defendants MMRMA, Ins. Co. of State of Penn., and AIG are under contract to “*defend any claim or suit*” against those they insure.

147. Claim is for \$150,000,000 in total damages.

**FOURTH CLAIM FOR RELIEF  
FOURTH AMENDMENT VIOLATION  
UNLAWFUL SEIZURE**

148. Plaintiff incorporates by reference all prior allegations of this Complaint into this Count.

149. Defendants, by their acts and acting under the color of Michigan law, violated Plaintiff’s rights against unreasonable seizures under the Fourth Amendment to the United States Constitution.

150. Plaintiff Schied suffered such deprivations as a result of his false imprisonment through the seizure of his property and his person.

151. The unlawful seizure of Plaintiff Schied by Defendants was done without a duly authorized and valid court order, without probable cause, without procedural jurisdiction, personal jurisdiction, subject matter jurisdiction, or any other jurisdiction, in violation of the Fourth Amendment to the United States Constitution.

152. As a result, Plaintiff suffered intentional infliction of emotional distress and physical injuries in addition to other general and specific damages as a result of such deprivations of rights and other consequences of his false imprisonment by Defendants.

153. Upon information and belief, such damages as claimed above create an “*assumed liability*” by Defendants Wayne County and Redford Township, and a “*legal obligation to pay*” by Defendant MMRMA, Defendant Ins. Co. of State of Penn., and Defendant AIG as the insurance providers for, minimally, bodily injury, tort, errors and omissions liability, and terrorism. As such, Defendants MMRMA, Ins. Co. of State of Penn., and AIG are under contract to “*defend any claim or suit*” against those they insure.

154. Claim is for \$150,000,000 in total damages.

**FIFTH CLAIM FOR RELIEF  
FIRST AMENDMENT VIOLATIONS  
RIGHT TO ASSEMBLE; FREE SPEECH; RELIGION**

155. Plaintiff incorporates by reference all prior allegations of this Complaint into this Count.

156. Defendants, by their acts and acting under the color of Michigan law, violated Plaintiff's right to peaceably assemble, as articulated under the First Amendment to the United States Constitution.

157. Defendants, by their acts such as would "*shock the conscience*" and acting under the color of Michigan law, violated Plaintiff's right to freely speak or not speak under the First Amendment to the United States Constitution, as is amply supported by federal case law. [See for example, *West Virginia State Bd of Ed v. Barnette*, 319 U.S. 624; 63 S.Ct. 1178; 87 L Ed 1628 (1943), "*The right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all.*"]

158. Defendants, by their acts and acting under the color of Michigan law in identifying Plaintiff Schied as a "*Moor*", whether accurately or erroneously, violated Plaintiff's right, under the First Amendment to the United States Constitution, not to have his First Amendment right to free expression of thought and religion be abridged.

159. As a result, Plaintiff suffered intentional infliction of emotional distress in addition to other general and specific damages as a result of such deprivations of rights and other consequences of his false imprisonment by Defendants.

160. Upon information and belief, such damages as claimed above create an “*assumed liability*” by Defendants Wayne County and Redford Township, and a “*legal obligation to pay*” by Defendant MMRMA, Defendant Ins. Co. of State of Penn., and Defendant AIG as the insurance providers for, minimally, bodily injury, tort, errors and omissions liability, and terrorism. As such, Defendants MMRMA, Ins. Co. of State of Penn., and AIG are under contract to “*defend any claim or suit*” against those they insure.

161. Claim is for \$150,000,000 in total damages.

**SIXTH CLAIM FOR RELIEF  
FOURTEENTH AMENDMENT VIOLATION  
DEPRIVATION OF EQUAL PROTECTION**

162. Plaintiff incorporates by reference all prior allegations of this Complaint into this Count.

163. Defendants, by their acts and acting under the color of Michigan law, and by identifying Plaintiff Schied as a “*Moor*”, violated Plaintiff’s right, under the Fourteenth Amendment to the United States Constitution, not to be deprived of life, liberty, or property based on his ethnicity or religious affiliation.



164. Defendants, by their acts and acting under the color of Michigan law, identifying Plaintiff Schied as a “*Moor*”, violated Plaintiff’s right, under the Fourteenth Amendment to the United States Constitution, not to be treated as being *equally protected* under state and federal laws and the supremacy of state and federal constitutions.

165. Defendants, by their acts of intentional indifference and reckless disregard of Plaintiff’s prior “*filed documents*” in notice about racketeering and corruption, *served to place Plaintiff specifically at risk* for retaliation by Defendants, in addition to increasing the risk to the general public after having previously received formalized reports from Plaintiff about Defendants’ *pattern and practice* of instituting *state created dangers*.

166. The specific risks levied upon Plaintiff resulted from Defendants’ intentional indifference and reckless disregard that such previous “*filed documents*” were reporting Plaintiff as being a *crime victim*, being also a *quasi-whistleblower* against these public functionaries, while repeatedly requesting that Defendants initiate criminal grand jury proceedings to investigate those allegations.

167. As previously presented and explained above, whether by affirmative violation or by negative failure to act in the face of their duty to protect and secure Plaintiff’s substantive and procedural due process rights, Defendants’

demonstrated *pattern and practice of subordinating* Plaintiff's inalienable and absolute natural rights to whatever rights Defendant afforded to their peer group of other public functionaries, constitutes in this case, *unequal treatment* under the law.

168. Plaintiff Schied was not only entitled to have equal access to the law and equal treatment by the law while sitting peaceably in the audience of the public gallery observing proceedings to which he was not either a part nor which had personal or subject matter jurisdiction over him. Plaintiff Schied was equally entitled to have it publicly *recognized* that the law was to protect him, as equally as any other individual, against violations of his rights by others. Nevertheless, this clearly did not occur.

169. It is a "*self-evident thing*" that full, not limited, "*protection by his government is the right of every citizen.*" Whenever anyone "*is assailed by one stronger than himself, the government will protect him to punish the assailant...[and]...if an intruder and trespasser gets upon his [property] he shall have a remedy to recover it. That is what I understand by equality before the law.*" (See Steven, *The First Duty of Government: Protection of Liberty and the Fourteenth Trustees* 41 Duke L.J. 507 565-66 (1991) citing CONG. GLOBE, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess. 342-43 (1866))

170. This means that the *recognition* of full protection was a fundamental right *denied by Defendants* acting *recklessly*, in *conscious disregard*, and in such manner that “*shocks the conscience*” by their display of a *pattern and practice*, and an unwritten and/or written *policy*, of arbitrarily bestowing or withholding such protection at their own discretionary will.

171. Defendants, by their acts and acting under the color of Michigan law to deny Plaintiff equal access to the protections otherwise provided to crime victims, whistleblowers, and to Defendants themselves and to their peer group as public functionaries, resulted in Plaintiff suffering the intentional infliction of emotional distress and physical injuries, in addition to general and specific damages as a result of such deprivations of rights, as well as other consequences of his false imprisonment by Defendants.

172. Upon information and belief, such damages as claimed above create an “*assumed liability*” by Defendants Wayne County and Redford Township, and a “*legal obligation to pay*” by Defendant MMRMA, Defendant Ins. Co. of State of Penn., and Defendant AIG as the insurance providers for, minimally, bodily injury, tort, errors and omissions liability, and terrorism. As such, Defendants MMRMA, Ins. Co. of State of Penn., and AIG are under contract to “*defend any claim or suit*” against those they insure.

173. Claim is for \$150,000,000 in total damages.

**SEVENTH CLAIM FOR RELIEF**  
**JUDGMENT ORDER OF INJUNCTION**

174. Plaintiff incorporates by reference all prior allegations of this Complaint into this Count.

175. Plaintiff's allegations as cited above, supported by sworn and notarized Affidavit (i.e., see **"EXHIBIT D"**), if accepted as true as stated, facially provide "*reasonable cause*" to believe that one or more of the Defendants committed crimes; being specifically the crimes as defined by Chapter LXVIIA (Act 328 of 1931) of Michigan's Penal Code, which defines "*human trafficking*" under MCL 750.462a, as "*coercion*," "*force*," "*abusing the legal system*" "*kidnapping*" and "*false imprisonment*."

176. Plaintiff's allegations, as supported by sworn and notarized Affidavit (i.e., see again **"Exhibit D"**), if accepted as true as stated, facially provide "*reasonable cause*" to believe that, because Plaintiff's allegations and evidence pertain to a cross-categorical spectrum of government actors – consisting of judges, clerks, court administrators, bailiffs, prosecutors, lawyers, and police which have interagency employment ties in both the judicial and executive branches of local, county, and state government – there is also reasonable cause to consider this interplay of individual actions and interests characteristic of criminal racketeering and corruption.

177. Plaintiff's allegations, as supported by sworn and notarized Affidavit (i.e., *see again* "**Exhibit D**"), if accepted as true as stated, facially provide reasonable cause to believe that Defendants are committing acts of domestic terrorism by individual *usurping* public functionary positions and acting under *color of law*.

178. Plaintiff's allegations, as supported by sworn and notarized Affidavit (i.e., *see again* "**Exhibit D**"), if accepted as true as stated, facially provide *reasonable cause* to believe that Defendants are:

- a) failing their constitutional duties to properly record, document, and archive their court, police, township, and county activities; and/or,
- b) blatantly misrepresenting to the public what activities are recorded or not recorded, and/or,
- c) committing other forms of misrepresentation and fraud in the content of the "*official*" records and other documents they are manufacturing.

179. Plaintiff has alleged himself to be a crime victim; thus, the following state statutes are called into play in this case:

- a) MCL 18.351-[Crime Victim's Compensation Board (definitions)] which defines a "Crime": "(c) '**Crime**' means an act that is 1 of the following: (i) A crime under the laws of this state or the United States that causes an injury within this state. (ii) An act committed in another state that if committed in this state would constitute a crime under the laws of this state or the United States, that causes an injury within this state or that causes an injury to a resident of this state within a state that does not have a victim compensation program

*eligible for funding from the victims of crime act of 1984, chapter XIV of title II of the comprehensive crime control act of 1984, Public Law 98-473 98 Stat. 2170."*

- b) MCR Rule 6.101 (Rules of the Court) holds that. "***A complaint is described as a written accusation that a named or described person has committed a specified criminal offense. The complaint must include the substance of the accusation against the accused and the name and statutory citation of the offense. (B)(Signature and Oath) The complaint must be signed and sworn to before a judicial officer or court clerk.....***"
- c) MCL 761.1 and MCL 750.10 describes an "***indictment***" as "***a formal written complaint or accusation written under Oath affirming that one or more crimes have been committed and names the person or persons guilty of the offenses***".
- d) MCL 767.3 holds that at the least. "***The complaint SHALL give probable cause for any judge of law and of record to suspect that such offense or offenses have been committed...and that such complaint SHALL warrant the judge to direct an inquiry into the matters relating to such complaint***".
- e) MCL 764.1(a) holds that, "***A magistrate SHALL issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual or individuals accused in the complaint committed the offense***"
- f) MCL 764.1(b) calls for an "***arrest without delay***". (Bold emphasis)

180. Additionally, Wayne County Code Sec. 1-12 ("*Aiding and abetting violations*") states, "*Whenever any act or omission is a violation of this code, or of any rule or regulation thereunder, any person who causes, secures, aids or abets may be prosecuted...and punished as if he committed such violation.*"

181. Plaintiff, thus having formalized by sworn and notarized written accusation naming the people and the crimes committed against him; and having establishing "*reasonable cause*" to believe that the named crimes had actually been

committed by Defendants, and thus establishing “*probable cause for any judge of law and of record to suspect that such offense or offenses have been committed,*” demands a judgment *Order of Injunction* for the following:

- a) That, beginning immediately, all Defendant should institute an independent audit of the accuracy of their recordkeeping, to include all records, related to court, police, and county proceedings and report those findings openly to the public, to the U.S. Attorney for the Eastern District of Michigan, and to the Wayne County Fraud and Corruption Investigation Unit of the Office of the Wayne County Prosecutor referenced by the Wayne County Code of Ordinances, Chapter 73 (Fraud Investigation Policy), Section 3 (Policy established);
- b) That such audit will include an open solicitation by Defendants to all of the communities of Defendant Wayne County, in request of allegations, complaints or reports of previous complaints filed in any court operating in Wayne County, pertaining to inaccurate or fraudulent recordkeeping and/or the manufacturing of fraudulent documents.
- c) That a federal special grand jury be convened, as required under 18 U.S.C. §3332, to independently answer to the duty of special grand jurors to inquire into the offenses of the criminal laws of the United States, and to which information about the alleged crimes, the identities

of the alleged perpetrators, and the alleged evidence can be properly submitted for criminal investigation and prosecuting.

### **DEMAND FOR RELIEF**

Plaintiff requests that this Court grant the following:

1. Enter a declaration that the alleged acts of Defendant Karen Khalil against Plaintiff David Schied were unconstitutional, were not discretionary or judicial acts, were undertaken without jurisdiction, and are therefore causes for waiving the defenses of both absolute and qualified judicial immunity.
2. Enter a declaration that the alleged acts of Defendant Karen Khalil created a *state-created danger* because: a) Defendant Khalil created a “*relationship*” between herself as the state actor and Plaintiff as an unidentified non-party courtroom observer; b) Defendant Khalil acted in willful disregard for the safety of the plaintiff; c) Defendant Khalil used her authority to create an opportunity that otherwise would not have existed for third-party violations to occur; d) the harm upon Plaintiff was a foreseeable, direct, and unconscionable act;
3. Enter a declaration that the alleged acts of Defendants, individually and collectively, were tortuous acts of common law trespass and constitutional violations against Plaintiff under the First Amendment, Fourth Amendment, and Fourteenth Amendment to the United States Constitution, which cannot be enforced by any governmental entity or agency.



4. Enter an Order of Injunction commanding all Defendants, including Defendant Wayne County, to institute third-party audits of each of their recordkeeping practices respective of the accuracy of all records related to courts, police, and county proceedings, and report those findings openly to the public, to the U.S. Attorney for the Eastern District of Michigan, and to the Wayne County Fraud and Corruption Investigation Unit of the Office of the Wayne County Prosecutor.

5. Enter an *Order of Injunction* commanding all Defendants to create public postings for all of the communities of Defendant Wayne County for the purpose of soliciting and inviting allegations, complaints or reports of previous complaints filed in any court operating in Wayne County, pertaining to inaccurate or fraudulent recordkeeping and/or the manufacturing of fraudulent official government documents.

6. Enter an *Order of Injunction* commanding that a federal special grand jury be convened for the Eastern District of Michigan, Southern Division in Wayne County, as required under 18 U.S.C. §3332, to answer to the duty of special grand jurors to inquire into the offenses of the criminal laws of the United States, and to which information about the alleged crimes, the identities of the alleged perpetrators, and the alleged evidence can be properly submitted for *independent* criminal investigations and prosecutions.

7. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of damages for the intentional infliction of emotional distress.

8. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of damages for actual and general damages.

9. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of damages for serious bodily injury.

10. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of damages for the financial and occupational harm, for defamation, and for reputational damages.

11. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of reasonable costs and the reasonable value of attorneys' fees pursuant to 42 U.S.C. § 1988; and,

12. Advance this case to a jury as the *trier of facts*, for the award to Plaintiff of exemplary damages and any and all other relief that is deemed just and proper.

13. Advance this case to a jury as the trier of facts for the granting of an award on Plaintiff's claim for \$150,000,000.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury of all issues so triable.

I declare under penalty of perjury that the forgoing is true to the best of my knowledge and belief. If requested, I will swear in testimony to the accuracy of the above if requested by a competent court of law and of record.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Schied" followed by a flourish.

\_\_\_\_\_ (all rights reserved)

David Schied  
P.O. Box 1378  
Novi, Michigan 48376  
248-974-7703

David Schied

Dated: 5/19/15