

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED - LAFAYETTE

APR 12 2013

**WESTERN DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

TONY R. MOONE, CLERK
BY _____ DEPUTY



MARY SUE BELL, ET AL

CIVIL ACTION NO. 6:13-CV639

VERSUS

JUDGE DOHERTY

BELL FAMILY TRUST

MAGISTRATE JUDGE HILL

**MOTION
REQUESTING WESTERN DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION
FOR ASSISTANCE IN
FILING A COMPLAINT
TO EFFECT AN INVESTIGATION INTO THIS CASE**

Comes now petitioner, Mary S Bell, pro-se who has filed this timely Appeal and further requests the Western District Court consideration as to:

I

Chief Justice Edith H Jones in lecture to Harvard Law School spoke to:

“American Legal System is Corrupt Beyond Recognition.”

“The integrity of law, its religious roots, its transcendent quality is disappearing.” “The first contemporary threat to the rule of law comes from within the legal system itself.”

“The legal system has also been wounded by lawyers who themselves no longer respect the rule of law.”

“Others seem uninhibited about making misstatements to the court or destroying or falsifying evidence.”

“When lawyers cannot be trusted to observe the fair processes essential to maintaining the rule of law, how can we expect the public to respect the process.” “We see lawsuits wielded as weapons of revenge.”

Important note: The following as presented, but not limited to, was also provided to Judge Robert Summerhays, when petitioner during a hearing requested that Judge Summerhays file a complaint in support of investigations into this case which Judge Summerhays denied, instead providing a Protection Order, protecting these attorneys from their wrongful acts. The protective order further threatens petitioner with sanction if civil litigations is pursued. This Protective Order and threat of sanctions is believed an act to conceal the record and deny my constitutional right to available actions to recover damages.

II

COMPLIANCE OF - JUDICIAL RULES OF CONDUCT

B Administrative Responsibilities

(3) A judge should take or initiate appropriate disciplinary measure against a judge or lawyer for unprofessional conduct of which the judge may become aware of wrongful conduct.

III

18 USC § 4 MISPRISION OF FELONY

“Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both. A misprision of a felony is the concealment of a felony without giving any degree of support to the felony. That the defendant had full knowledge of that fact; that the defendant failed to notify authorities; and that the defendant took affirmative steps to conceal the crime of the principal.” and;

IV

When petitioner and her then attorney Pam Magee filed to dismiss their recently filed Rule 60 in the bankruptcy court it was with the intent to avoid displayed partiality and allow ability to file available actions in a jurisdiction that might lend impartiality. As Magee closed her private practice accepting a government position, petitioner in pro se went on in 2009 to file in Western District Court civil suits that were Declaratory and other Relief suits demanding jury

trials for the purpose of jury determinations whether fraud and other criminal violations and gross misconduct including defamation, libel, slander having been committed. These three (3) suits were not another bite of the apple. These suits sought a legal determination by a jury trial as Declaratory suits can provide legal certainty to parties, as to whether damages were caused by acts of fraud, theft by deception, fraud upon the court, conflicts, fraudulent misrepresentation of material facts, fraudulent misrepresentation of written law, defamation, libel, slander.

The aforementioned allegations were not issues addressed in the Bell Family Trust bankruptcy case. These three suits could not be another bite of the apple. My then attorney did not address these wrongful acts in any of his pleadings.

V

These suits with over 280 pages of published undisputed material facts of wrongful actions in confirmation of fraud having been committed were filed into the Western District

Court as:

6:09-cv-10980 - \$162,214.96 – Exhibits 1-75 (Declaratory action)

6:09-cv-10984 - House with One Acre – Exhibits 1 – 51 (Declaratory action)

6:09-cv-10985 - Defamation – Libel – Slander - Exhibits 1 – 155 (Declaratory action)

Although, Judge Patrick Hanna discussed briefly during a status conference as follows; Page 20

Status Conference Hearing Transcript Judge Hanna stated:

“If these lawyers behaved unprofessionally and unethically as you allege – and I promise you, Ms. Bell, if you’re making those allegations and they’re true, then the Bar Association should hear about them.”

Page 23 Status Conference Hearing Transcript Judge Hanna stated:

“Someone comes in and says, “Judge, that lawyer lied to you.” Well, if there’s evidence of that, I am obligated to tell the Louisiana State Bar.”

Petitioner's multiple follow--ups confirm that Judge Hanna never filed the required complaints into investigations. In belief that: the non-reporting of the gross misconduct before the Court, to be a violation of Judicial Rules of Conduct; the petitioner filed a judicial complaint... Trying to affect judicial transparency and accountability to report known misconduct and violations of law committed by attorneys?.

VI

These facts of misconduct are now again before this Court. as the facts are relevant grounds in petitioners Motion to Recuse that is presently before this Court again.

Petitioner is again requesting this Court to review the **undisputed published evidence of gross misconduct, and virtue of written criminal statues violations of law**, that is now again before this Court.

(1) Fraud upon the Court : (2) Theft by Deception : (3) Fraudulent misrepresentation of material facts : (4) Fraudulent misrepresentation of written law : (5) Malicious intent met to destroy and prosper them personally:

VII

Recorded Violations of attorney professional rules of conduct:

Rule 3.4 (b) falsify evidence

Rule 4.1 (a) make a false statement of material fact or law to a third person

Rule 4.1 (b) fail to disclose a material fact when disclosure is necessary to avoid assisting in criminal or fraudulent acts

Rule 8.2 (a) a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity.

Rule 8.4 (b) engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness

VIII

Fraud Upon the Court

Whenever any officer of the court commits fraud during a proceeding in court, he/she is engaged in “fraud upon the court”.

“Fraud upon the court” makes void the orders and judgments of that court. It is also clear and well-settled that any attempt to commit “fraud upon the court” vitiates the entire proceeding.” *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill.354;192 N.E. 229 (1934).

“Fraud includes the suppression of the truth, as well as presentation of false information.”

RS 14:67 **Theft** A. Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or **taking, or by means of fraudulent conduct, practices, or representations**. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

RS 14:26 **Criminal Conspiracy**: SUBPART E. INCHOATE OFFENSES

A. Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime;

RS 14:133 Filing False Public Records: any document containing false statement or false representation of material fact,

Title LXII Criminal Code Chapter 637 – 638 Theft by deception – A person commits **theft by deception** if he obtains or exercises control over a property of another by deception. Deception occurs when a person purposely an impression which is false, **false impressions of law**, influencing another to whom he stands in a fiduciary.

Theft Act of 1978 – Fraud Act of 2006,

The Supreme Court has ruled and has reaffirmed the principle that “justice must satisfy the appearance of justice”, *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11,13 (1954).

Fraud includes the suppression of the truth, as well as the presentation of false information (In re Witt (1191) 145 Ill.2d 380, 583 N.E. 2d 526, 531, 164 Ill. Dec. 610). See also In re Frederick Edward Strufe, Disciplinary case no. 93 SH 100,

“Where the Court stated that fraud has been broadly defined as anything calculated to deceive. It should be noted that the definition of fraud applies to everything an attorney may be engaged in, whether in court, or in his office.”

IX

FIRST EXAMPLE OF DOCUMENTED SUPPRESSION OF TRUTH

Adversarial attorneys' sought successfully to deny my civil right to testify upon my Trial Bench Books of evidence [D3 – A15] and the Bench Books today are still hidden behind the record unavailable for review.

X

SECOND EXAMPLE OF DOCUMENTED KNOWN FRAUD INVOLVED IN \$162,214.26 THAT PROSPERED ATTORNEYS' – A FRUIT FROM THE POISONOUS TREE

Attorneys', in this case obtained a judgment against me in the amount of \$162,214.96 by blatant malicious fraudulent misrepresentation, stating that their accounting expert Lou Rolfes confirmed a \$162,214.96 was unrelated trust expenses.[D3 – A22 page 20] The attached published documents are the published facts of their expert testifying under oath that he could not confirm the \$162, 214.96 as unrelated expenses. This was a known fraudulent misrepresentation of material facts in order to obtain a portion of judgment that prospered them personally.

First it is important to note. The Rolfes spreadsheet entitled "Expenses Not Related to Trust Activities" was never provided in discovery and we vehemently objected to the spreadsheet. Attorneys upon our objection explained to the court:

Ackermann stated: "We didn't furnish any reports." "There was never an expert report tendered and his deposition was never taken."

ATTORNEY ACKERMANN'S STATEMENT IS VERY IMPORTANT – The only support of their claim that Rolfes found the \$162,214.96 as unrelated would have to be from the Lou Rolfes actual trial testimony. [D3 – A23 page 17]

Suppression of material fact: Petitioner won a Motion Summary Judgment that the trustee could not recover pre one year distributions [D3 – A23 page 15]. Please note also, each of the years indicated on the Rolfes **spreadsheet or all pre one year.**

In order to obtain wrongful judgments attorneys' in **Post Trial Briefs falsified: "Lou Rolfes, CPA, testified that he concluded that \$162,214.96 in expenses were not related to Trust business."**

Excerpts from the actual factual testimony of the trial transcripts as testified under oath by their accountant expert Mr. Lou Rolfes that illustrate that Ackerman knowingly misrepresented and manipulated actual testimony. [D3 – A23 page 1 to 4]

When questioned if it would be accurate to title his spreadsheet “Expenses which may or may not be related to trust activities”? Mr. Rolfes testified “That would be fair.”

Rolfes testified “I listed anything that I would have a question as to whether it was related or not.”

Rolfes testified “I’m not saying by listing it on there, that that’s unrelated to the Trust. I’m saying those are the expense areas that are in question.”

Rolfes testified “If you will, put on my auditor hat and say which of these would be deductible related expenses to the Trust, and which of these would I like to see more documentation on before I could make that determination.”

Rolfes testified “I didn’t have all the invoices, and I couldn’t tell what it was necessarily for.”

Rolfes testified “That \$635, I honestly can’t remember. That was almost six months ago.”

When questioned about “she would be entitled to telephone expenses, Rolfes testified “That would be the normal relationship.”

“When questioned about pumping expenses” Mr. Rolfes testified “I honestly don’t know what that is.”

Mr. Rofes further testified “The only other fuel I listed there with a notation Dulion (phonetic) Brothers, may be farm fuel, which would be trust related.”

Suppression of material fact: [D3 – A23 pages 6 to 14], [D3 – A23 pages 21-25] of the Bell Trust CPA and expert who testified she pre approved all expenses, and IRS did not kick back any expenses in the six years of tax return.

XI

THIRD EXAMPLE OF DOCUMENTED THEFT BY DECEPTION – SUPPRESSION OF EVIDENCE – FRAUD UPON THE COURT - ON HOUSE WITH ONE ACRE THAT PROSPERED ATTORNEYS’

IMPORTANT NOTE: When Mr. Ackermann succeeded in preventing my defense testimony on my bench book – he successfully suppressed all the following material facts about the house with

one acre. This was an intentional suppression as the suppressed evidence does not support any seizure of the house with one acre that attorneys' decided they would seize anyway.

The Post Trial Reasons did not award the House with Acre. Any attempt to transfer the house would have been vacated by the federal forfeiture. But attorneys' seized the asset anyway which prospered them personally in commissions. I paid a federal forfeiture [D3 – A22 page 11], a mortgage was duly executed [D3 – A22 page 13 - 14], trust and criminal attorneys testified I held a mortgage and the donor testified he could not donate the house to the trust, a federal PSI report [D3 – A22 page 12] confirmed I held a mortgage. The original trust donations did not include the house with one acre as a donation ([D3 – A45]. Attorney Stan Gauthier handled the house and one acre as a separate Act of Exchange [D3 – A22 page 17] of an in rem debt Wilfred Bell owed petitioner. Attorney Dawkins testified petitioner held a mortgage [D3 – A22 page 18],

Although Ms. Magee's Rule 60 made a diplomatic effort to address over reaching acts of seizing both a monetary judgment and also seizing actual assets is a whole other issue.

The judgment also awarded all properties transferred by the "dation". The House with one acre was not any part of the dation [D3 – A22 page 19].

XII

FOURTH EXAMPLE OF DOCUMENTED THREATS MET TO HARM, SILENCE A CASE OF ALLEGED CORRUPTION, AND DEPRIVE CIVIL RIGHTS TO RECOVER FOR DAMAGES CAUSED

Adversarial attorneys' sought "chilling" sanctions.[D3 – A24 page 6] to silence this case.

XIII

FIFTH EXAMPLE OF FRAUDULENT MISREPRESENTATION OF STATUTES OF LAW TITLE 11 § 548

[See petitioner appeal pages 5- 6] Another example of these attorneys manipulating the written law and falsifying testimony to suit their agenda to milk a trust with prolonged 10 year litigation and excessive fees. Attorneys' in effort to establish their most unreasonable fees during what is the longest bankruptcy case ever of ten years, knowingly provided fraudulent misrepresentation of statute Title 11 § 548. Since I won a MSJ that the trust was not insolvent, attorneys' then decided in order to continue a ten year abuse to do so by omitting (i) as (i) required insolvency, and then falsified the trust experts testified the trust had unreasonable capital, when both experts testified the trust had reasonable capital. The requirements of Title 11 § 548 were not met and Ms. Magee argued attorneys' should not have perpetuated this litigations that yielded them the most unreasonable compensation fee in the history of bankruptcy.

XIV

SIXTH EXAMPLE OF FRAUDULENT MISREPRESENTATION OF LAW 9:2085

[see petitioner appeal pages 4 – 5] Attorneys provided known fraudulent misrepresentation of LA RS 9:2085 to falsely make it appear that I committed a breach of fiduciary duty. They accomplished this by placing a period in the middle of the statute and omitting in their pleadings the circumstances stated in LA RS 9:2085 that allows for self dealing. They further concealed the Bell Family Trust authorized me to self deal.

These are just a six examples of many documented published facts of gross misconduct that was provided to this Court in 2009 and is again before this Court.

CONCLUSION

It is unconscionable what is documented to have occurred in this case for over ten years. Per Chief Justice Jones and the undisputed facts published in this case **it is obvious the lawsuits against me were wielded as weapons of revenge.** It is also obvious the legal system in my case was wounded by lawyers who themselves no longer respect the rule of law when intentionally falsifying evidence and written law. **Those are the facts in this case. Petitioner only request what the Judicial Rules of Conduct require, that this Court upon knowledge of misconduct report the facts known to law enforcement authorities.** The petitioner request that adherence against Misprision of felony be observed. It is medically plausible that the now documented level of malicious judicial abuse suffered likely rendered the petitioner to suffer certain health crisis.

Respectfully submitted



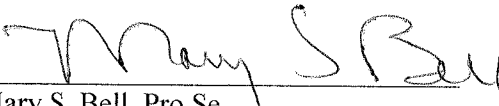
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337-278-7391

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Motion and Memorandum to file complaints into investigations has been served upon:

W. Simmons Sandoz, Trustee, 424 S. Union Street, Opelousas, LA 70570
Glenn Marcantel, c/o 220 Heymann Blvd, Lafayette, LA 70505
Greg Mier, 1200 Camellia Blvd, Suite 300, Lafayette, LA 70502-3507
Jeffrey Ackermann, 220 Heymann Blvd, Lafayette, LA 70505

Lafayette, Louisiana, this 12 day of April, 2013.


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